

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 51 of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/26/0177**

**Property : 23 Strathblane Drive, East Kilbride, South Lanarkshire G74 8GA  
("Property")**

**Parties:**

**Ashok Bhuvanagiri, Dr Tarun Tanmai Bhuvanagiri and Dr Sneha Bhuvanagiri,  
23 Collen Wen, Llanfairpwllgwyngyll LL61 5QQ("Applicant")**

**Austin Lafferty Solicitors Ltd, 213 Edinburgh House, East Kilbride G74 1JU  
("Applicant's Representative")**

**Emma Lee and Christopher Bennett, 23 Strathblane Drive, East Kilbride, South  
Lanarkshire G74 8GA ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Greig Adams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
("Tribunal") determined to grant an order for possession of the Property.**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 27 March 2024 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 3 October 2025 ("Notice to Leave"); sheriff officer certificate of service evidencing service of the Notice to Leave on 3 October 2025; statement of rent arrears indicating arrears of £27,100 at 27 December 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and evidence of compliance with the pre-action protocols. The Application was served on the Respondent by sheriff officer on 29 June 2026. On 17 July 2026 the Respondent lodged a written representation.

### **Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 30 July 2026 by teleconference. The Applicant was represented by Aneysa Ramzan of the Applicant’s Representative. The Respondent was not in attendance.

The Tribunal noted the terms of the written submission lodged by the Respondent. The Tribunal noted that the Respondents are no longer in employment and are each now on benefits. They stated that they have three children living with them. Mrs Ramzan told the Tribunal that she did not know the age of the children. She said there had been no recent contact with the Respondent. The Tribunal noted that the Respondent’s position was that the schedule of arrears did not take account of £1850 paid at the start of the tenancy as part of the payment of 6 months’ rent in advance nor did it take account of a further £500 referred to as “a discrepancy”. Mrs Ramzan said the Applicant was content to deduct those sums from the sum claimed in respect of rent arrears which brought the sum due as at December 2025 down to £24,750. The Tribunal noted that even taking those sums into account the arrears were £19,200 at the date of service of the Notice to Leave. Mrs Ramzan said that there had been no payments made towards the rent in 2026. The Tribunal asked whether a deposit had been paid at the start of the tenancy. Mrs Ramzan said that the Applicant was not aware of a deposit being paid and they had asked the former letting agent to confirm the position.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 27 March 2024.
2. The Notice to Leave was served by sheriff officer on 3 October 2025.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. The Applicant had complied with the pre-action protocol prescribed by the Scottish Ministers.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

## **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. Having considered all of the circumstances, including the written submission lodged by the Respondents, and in light of the lack of opposition from the Respondents to an order being granted, the Tribunal determined that it was reasonable to issue an eviction order.

## **Decision**

The Tribunal grants an order for possession of the Property.

## **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

**Joan Devine  
Legal Member**

**Date : 30 July 2026**