



**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/26/0392

**Re: Property at Nollamara House & Nollamara Flat, 14 Banton Road, Kelvinhead,
Kilsyth, G65 0QJ (“the Property”)**

Parties:

**Dow Kelvinhead Ltd, Kelvinhead Farm, Kilsyth, Glasgow, G65 0QH (“the
Applicant”)**

**Ms Lauren Christina Diane Lane, Mr Andrew McTaggart, Nollamara House &
Nollamara Flat, 14 Banton Road, Kelvinhead, Kilsyth, G65 0QJ; Nollamara
House & Nollamara Flat, 14 Banton Road, Kelvinhead, Kilsyth, G65 0QJ (“the
Respondents”)**

Tribunal Members:

Julie McKinlay (Legal Member) and Donald Wooley (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. By application dated 26 January 2026 the Applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 17 April 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.

2. A Case Management Discussion (CMD) was set to take place on 8 October 2026, and appropriate intimation of the hearing was given to all parties. The case was heard alongside case reference FTS/HPC/CV/26/0396.

Case Management Discussion

3. The CMD took place on 8 October 2026 via telephone case conference. The Applicant was represented at the CMD by Mr John MacAulay. Neither Respondent attended or were represented. The papers had been served on the Respondents by Sheriff Officers on 13 August 2026. The Tribunal was satisfied that the requirements of Rule 24 (1) regarding the giving of notice of a hearing had been complied with and proceeded with the Case Management Discussion in terms of Rule 29 of the 2017 Rules.
4. The Tribunal began by clarifying who was representing the Applicant. The Tribunal had noted Mrs Deans as the Applicant's representative. Prior to the CMD Mr MacAulay had provided a mandate from the Director of the Applicant, Mr William Dow. Mr MacAulay explained that he was the replacement for Mrs Dean. He was a qualified solicitor but no longer worked in a law firm.
5. The Tribunal noted that the registered owner of the Property is William Dow. The landlord in terms of the Lease and the Applicant is Dow Kelvinhead Ltd. The Applicant's representative explained that William Dow and his son Andrew Dow are the Directors and shareholders of the Applicant. The company leases the farm and associated properties from the owner and has authority to lease the Property. The papers before the Tribunal indicated that Ms Johnstone was a Director but she resigned on 31 March 2026.
6. The Applicant's representative advised the Tribunal that the Property is a 4-bedroom property with a separate one-bedroom flat. The Respondents are a couple who reside there with the first named Respondent's daughter residing in the one-bedroom flat. She is believed to be 19 years old and the only other family member in the Property. The Applicant's representative explained that the second named Respondent is believed to have left the Property. The first named Respondent and her daughter have been seen coming and going from the Property especially at night and it is unclear if they are living there full time. Mr William Dow lives approximately 400-500 yards away. It was drawn to the Applicant's representative's attention that the written submission made to the Tribunal on behalf of the Applicant appeared to suggest that the Respondents had more than one child and that they may have additional support needs. Mr MacAulay was of the view that this was an error as there is only one child of the first named Respondent although it may be correct that they have additional

support needs. He could not offer any further information about the Respondents.

7. As neither Respondent was present or represented at the hearing, no contrary evidence relating to the family or personal circumstances of the Respondents was provided to the Tribunal.
8. There are 5 other properties on the farm. One is let out, three are empty and one is occupied by a family member. In the past the others have been rented out. There are no plans to rent the other properties as Mr Dow is in his 80's and the family are in the process of succession planning.
9. The statement of rent arrears was produced. It showed rent arrears as of 1 March 2026 in the sum of £18,000. The Respondents had been in arrears of rent since 1 February 2024.
10. The Applicant's representative acknowledged that there had been no written communications with the Respondents in respect of the rent arrears and the pre action protocol had not been complied with. Mr Dow is elderly and was unaware of his obligations although had spoken to the Respondents about the arrears on many occasions. He had delayed instigating action against them for a considerable period of time based on promises made by them that they would make payment.

Findings in Fact

11. William Dow is the registered owner of the property. The Property is let to the Applicant for the purposes of running the farm and properties.
12. The Applicant is the landlord and the Respondents the tenant in terms of the private residential tenancy with a date of entry of 1 January 2024.
13. On 8 October 2025 the Applicant served upon the Respondents a notice to leave as required by the Act. The notice informed the Respondents that the Applicant wished to recover possession using the provisions of the Act.
14. A notice was served on North Lanarkshire Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003.
15. At the date of service of the Notice to Leave and the date of making the Application the Respondents had been in rent arrears for three or more consecutive months.

Reasons for Decision

- 16.** The Tribunal noted that the eviction was sought under and in terms of ground 12 of schedule 3 of the Act.
- 17.** 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 the schedule 3 applies. In the Notice to Leave the Applicant states 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.
- 18.** The parties are the landlord and tenant of the Property which is a private residential tenancy under the Act. A Notice to Leave was served on the Respondents indicating that the Applicant intended to seek an eviction order based on ground 12.
- 19.** The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established.
- 20.** The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
- 21.** The Tribunal find that it is reasonable to grant the order. The Tribunal accept the evidence provided by the Applicant. The Respondents did not attend the CMD and has offered no explanation for the failure to make payment of the rent for a considerable period of time. The Respondents has been in arrears of rent almost since the start of the tenancy. The Tribunal has taken into account the fact that pre-action protocols have not been adhered to. Nevertheless, the Applicant has sought to engage with the Respondents as regards the arrears and a considerable period of time has passed before proceedings were raised giving time for the Respondents to address the situation. The arrears are significant. The Tribunal have limited information about the circumstances of the Respondents, and the Respondents has not provided any information to the Tribunal about their current circumstances.
- 22.** In all the circumstances it is reasonable to grant the order.

23. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

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.

J McKinlay

08/10/2026

Legal Member/Chair

Date