



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/24/4998

Property : 102 Cumbrae Drive, Motherwell ML1 3LJ (“Property”)

Parties:

Deborah Ohen, 3/3, 30 Kingsway Court, Glasgow G14 9TJ (“Applicant”)

David Arnott and Pamela Arnott, 102 Cumbrae Drive, Motherwell ML1 3LJ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Williams (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 26 February 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 19 September 2024 (“Notice to Leave”); sheriff officer certificate of service of the Notice to Leave on the Respondent on 24 September 2024; statement of rent arrears; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 1 December 2024. The Application was served on the Respondent by sheriff officer on 20 March 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 9 June 2025 by teleconference. The Applicant was in attendance and was supported by her husband, Kingsley Osagie. The Respondent was not in attendance.

Mrs Ohen told the Tribunal that she purchased the Property in August 2023 and did not know there was a tenant in situ. She said that a new tenancy agreement was entered into in February 2024 and the Respondent indicated that they would seek support from universal credit at that time. The Tribunal noted that the statement of rent arrears provided was for the period September 2023 to August 2024. Mrs Ohen said that no rent had been paid since August 2024. Mrs Ohen said that she had met the Respondent outside the Property once. She said she believed family lived in the Property with the Respondent but she could provide no information about them. The Tribunal noted that the papers indicated that Mr Arnott had a disability. Mrs Ohen said that she knew nothing about that.

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 26 February 2024.
2. The Notice to Leave was served by sheriff officer on 24 September 2024.
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. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 1 December 2024.

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, and in the absence of a submission from the Respondent, 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.

**Ms Devine
Legal Member**

Date : 9 June 2025

Joan Devine