



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/1389

Re: Property at 34 Dovecastle Drive, Strathaven, ML10 6BH (“the Property”)

Parties:

Mr Jim Graham, 31 Lawrie Street, Stonehouse, ML9 3LN (“the Applicant”)

Ms Claire Halley, 34 Dovecastle Drive, Strathaven, ML10 6BH (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted.

- **Background**

The applicant applied to the tribunal for an order of eviction by way of application dated 2nd April 2025. The ground of application was under rule 12. At the time of the application the sum suggested to be due was £3581.

Accompanying the application were various documents including, a copy of the tenancy agreement, copy of the rent ledger, copy statement of rent arrears, pre action notices, notice to leave, sheriff offices service, section 11 notice to the local authority and South Lanarkshire Council’s acknowledgement of the section 11 notice.

The application was served personally on the respondent by sheriff officers on 2nd September 2025. No written representations were received.

- The Case Management Discussion

At the case management discussion the respondent attended herself. The applicant was represented by Mr Whiteford from the letting agents involved. Rent arrears had now increased to the sum of £6879. The monthly rental instalment was £614. The last payment of rent had been made in May 2025. The arrears had almost doubled from the time of the application.

The respondent indicated that she was now a single parent with two children aged 13 and 8. She and her husband had separated in or about November 2022. This had created for her significant debt issues. She had to pay loans, credit cards, car insurance, gas and electricity and council tax. She was working as a self-employed cleaner with no set hours.

She was receiving universal credit of which there was a housing element of £600 per month. She acknowledged that she was not paying this to the applicant nor was she retaining it. She did set out that there were several issues with the property including a leak from the bathroom into the kitchen with the resulting ceiling having fallen down. That the shower unit did not work. The top was disconnected. The washing machine flooded. There was also now black mould.

There had been an inspection done in August 2025 instructed by the landlord which had not identified these issues.

The respondent acknowledged that she had not been paying rent and acknowledged the extent of the rent arrears. She also acknowledged that she had not retained money by way of rent and had simply utilised the money

- Findings in Fact

1. The parties entered into a private residential tenancy agreement dated 3rd April 2018 for the rental of the property at 34 Dovecastle Drive Strathaven.
2. Rent was to be paid initially at the rate of £525 per month which had subsequently increased to £614 per month
3. The respondent lived at the property along with her two children aged 13 and 8.
4. At the time of the application the sum due in rent was £3581 and was at the time of the hearing £6879
5. The respondent was receiving universal credit for which there was a housing element of approximately £600 per month.
6. The respondent had not retained any of the monies that she had received from universal credit towards the housing payment.
7. The respondent had been in rent arrears from approximately March 2023 and had been continuously in rent arrears for a period significantly in excess of three consecutive months.

- Reasons for Decision

There was no dispute between the parties that the rent arrears at the time of application was £3581 nor that at the time of the hearing that the rent arrears had increased to the sum of £6879. The respondent was receiving the amount of approximately £600 per month by way of universal credit towards the housing element. She suggested that there were issues with the property but she had not been retaining any of the money paid to her for rent.

The amount of arrears of rent were considerable. There was no proposal by the respondent in any way to reduce this figure. Although the respondent looked at the address with two children she was not in any way proposing to pay off the arrears.

The tribunal accepted that there were significantly more than three months of consecutive rent arrears and that the rent arrears had been increasing. There was no likelihood of repayment.

Taking into account reasonableness the respondent had applied to the local authority for housing. But the tenancy could not continue standing the ever increasing amount of rent arrears.

In the circumstances the tribunal granted eviction.

- Decision

To grant an order of eviction.

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.

Legal Member/Chair: Mark Thorley

Date: 20/10/2025