



**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 ("The Act")**

**Chamber Ref: FTS/HPC/EV/25/0943**

**Re: Property at 88 Dumbuck Crescent, Dumbarton, G82 1EQ ("the Property")**

**Parties:**

**Mrs Maureen Kerr, Gallowhill, Arden, Luss, G83 8RH ("the Applicant")**

**Mrs Rachel Conroy, Mr Daniel Conroy, 88 Dumbuck Crescent, Dumbarton, G82 1EQ ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Angus Lamont (Ordinary Member)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order.**

## **Background**

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 10 November 2025. The Applicant was represented by their letting agent, Mr Johnston from Lomond Lettings. The Respondents were neither present nor represented. On the basis that the Application and information about the details of the conference call

had been served on the Respondents by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondents. The Tribunal discussed the Application with Mr Johnston. He explained that the Applicant wished to sell the Property and to retire from being a landlord. She is disenchanted with her recent experiences as a landlord as the Respondents have stopped paying rent and attempted to thwart any effort to access the Property to carry out necessary safety checks and inspections. The Respondents have caused considerable damage to the Property and are in arrears of £10,285.50. He explained that the First Respondent lives in the Property with the Second Respondent who is her son. Having considered the documentation and having heard from the Applicant's representative, the Tribunal made the following findings in fact.

### **Findings in Fact**

1. *The Applicant let the property to the Respondents by virtue of a Private Residential Tenancy Agreement within the meaning of the Act.*
2. *The Applicant now wishes to sell the Property.*
3. *The Applicant has competently served a notice to leave under ground 1 on the Respondent.*
4. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
5. *The Respondents have caused considerable damage to the Property and are in arrears of £10,285.50.*

### **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application made an Eviction Order.

### **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.**

Andrew McLaughlin

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Legal Member/Chair

10 November 2025  
Date