



**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 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)**

**Chamber Ref: FTS/HPC/EV/25/1577**

**Re: Property at 27 Netherhill Road, Moodiesburn, G69 0BD (the Property)**

**Parties:**

**Mrs Lynsay Lawson, 16 Greenfinch Avenue, Cumbernauld, G68 9GB (the Applicant)**

**Ms Jane McMurray and Mr Conor McMurray, 27 Netherhill Road, Moodiesburn, G69 0BD (the Respondents)**

**Tribunal Members:**

**Ms Susanne L. M. Tanner K.C. (Legal Member)**  
**Ms Melanie Booth (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal):**

- (i) is satisfied that the Respondents have been in rent arrears for three or more consecutive months; and**
- (ii) is satisfied it is reasonable on account of that fact to issue an eviction order; and**
- (iii) made an order for eviction under Ground 12 in Schedule 3 to the 2016 Act.**

**The decision of the tribunal was unanimous.**

## Statement of Reasons

1. The Applicant's Representative made an application to the tribunal on 16 June 2025, in terms of section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (the 2016 Act) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure 2017 (the 2017 Rules) (the Application). (The Applicant has previously submitted two applications dated 8 April 2025 and 7 May 2025, which were withdrawn.)
2. In the Application, the Applicant seeks an order for eviction in terms of Ground 12 in Schedule 3 of the 2016 Act.
3. The Applicant's Representative lodged supporting documents with the Application:
  - 3.1. Rent statement;
  - 3.2. Tenancy agreement;
  - 3.3. Notice of intention to raise proceedings; and service;
  - 3.4. Notice to leave; and Service; and
  - 3.5. Screenshots of text messages.
4. The tribunal's administration obtained the Title Sheet to the property on 15 April 2025 which shows that the Applicant is the registered proprietor of the Property.
5. On 15 July 2025, the Application was accepted for determination and a Case Management Discussion (CMD) was fixed for 12 December 2025 at 1000h by teleconference.
6. By letter of 22 October 2025, parties were notified by letter of the date, time and place of the CMD and told that they were required to attend. Parties were also advised in the same letter that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the Application, which may involve making or refusing an eviction order. If parties do not attend the CMD this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was asked to submit any written representations to the tribunal's offices by 12 November 2025.
7. The Application paperwork and notification of the date, time and place of the CMD was served on the Respondent Connor McMurray by Sheriff Officers on 22 October 2025; and on the Respondent Jane McMurray by Sheriff Officers on 23 October 2025.
8. The Respondents did not submit any written representations or make any contact with the tribunal's administration before the CMD.

9. On 24 November 2025, the Applicant submitted an updated rent statement to 19 November 2025; copy correspondence with the Respondents dated 22 September 2025; and copy screenshots of text messages dated 22 September and 7 October 2025.

**Case Management Discussion (CMD): 12 December 2025 at 1000 by teleconference**

10. The Applicant, Mrs Lynsay Lawson attended. She was accompanied by her husband Mr Craig Lawson, in the role of Supporter. The tribunal chair explained the role and Mr and Mrs Lawson confirmed that they understood.
11. The Respondents did not attend or make any contact with the tribunal.
12. Mrs Lawson stated that as far as she is aware the Respondents are still residing in the Property. The last time entry was gained to the Property was on 9 October 2025 when Council Officers attended for a leak in the building and gained access. The Council had to become involved because the Respondents did not respond to multiple communications from the Applicants about access.
13. The tribunal was satisfied on the basis of the certificate of service by Sheriff Officers that both Respondents had received the Application paperwork and notification of the CMD. The tribunal decided to proceed in their absence on the basis of the information before it and representations of the Applicant in terms of Rule 29 of the 2017 Rules.
14. Mrs Lawson stated that the rent arrears to 8 December 2025 as shown on the updated rent statement are £6534.57. The monthly rent is £695.00 and is due on 9<sup>th</sup> of each month. There was a further rent payment due on 9 December 2025. Mrs Lawson explained that since July 2025, she has been receiving part payment of rent directly from the Council. Those are the four payments of £254.48 on 18 July, 19 August, 19 September and 17 October 2025.
15. Mrs Lawson stated that the last payment of any rent from the Respondents was £200.00 on 31 January 2025 and that they have not paid personally since then. She also said that when the Respondents were paying rent they did not always pay on 9<sup>th</sup> of each month as provided in the lease.
16. The Notice to leave was served on 4 March 2025 on the basis of rent arrears. It was emailed to both Respondents to the email address on the tenancy agreement to be used for communications and notices. Mrs Lawson stated that when the tenancy was entered into it was agreed that all correspondence would go to Mrs McMurray's email address for both Respondents. The Applicant's husband also texted Mr McMurray at the time of the Notice to Leave to tell him that there was an

email waiting for him at that email address. Mrs Lawson stated that there was no reply to the email or text.

17. Mrs Lawson stated with reference to the updated rent statement that at the date of service of the Notice to Leave on 4 March 2025 the rent arrears were £1793.60 (apportioned to 4 March 2025.) The rent arrears have increased since then. At the date of the Application on 16 June 2025, the rent arrears were £4129.88 (apportioned to 16 June 2025). As already stated, the rent arrears as at 8 December 2025 are £6534.57.
18. In relation to reasonableness, Mrs Lawson stated that the Property is currently overcrowded. At the time of the tenancy beginning, she thought it was only Mrs McMurray and her son Mr McMurray. There was communication in December 2024 where the Respondent Mrs McMurray stated said that her daughter and granddaughter were also living in the Property at that time on a temporary basis. It is a two bedroomed flat. The Applicant had not been made aware in advance of the family moving into the Property. Mrs Lawson stated that when they attended to try to get access to the leak the property in October 2025 we saw a pram and toys within the Property which may show that the daughter and granddaughter are still living there.
19. Mrs Lawson stated that so far as she is aware, Mr McMurray is in employment. He was employed when they did checks at the beginning of the tenancy in October 2023. Mrs McMurray told Mrs Lawson that she was a hairdresser. Mrs Lawson knows that Mrs McMurray was doing hairdressing from the flat.
20. Mrs Lawson stated that they have not been made aware of any disabilities that have required the property to be adapted and they have not been made aware that the Respondents have any medical conditions.
21. Mrs Lawson thinks that Mrs McMurray is 51 and her son 26 or 27. Mrs McMurray's daughter is in her 20s and the child might be around 2.
22. Mrs Lawson is not aware of any failure to make payment of rent being due to failure of housing benefit.
23. Mrs Lawson sent the homelessness notice to the local authority.
24. Mrs Lawson spoke about the impact of the rent arrears on her and her family. She stated that they have never been in this situation before. She stated that it has been quite difficult for her and her family. They are trying to cope with this. They still have their bills to pay. She said that there has been an emotional impact of having to deal with this and not knowing where to turn next. She stated that they could not possibly continue to absorb these kinds of losses. We have two more

rental properties. All three rental properties have mortgages. They have to pay a mortgage on the Property despite the rent arrears. It is impacting on their monthly finances.

25. Mrs Lawson stated that they have tried to make contact many times. It was radio silence from the Respondents. She stated that the Respondents changed their phone numbers during the tenancy and did not update her. There was no way to communicate by phone. She stated that the Respondents never offered instalments. She stated that there is one time that they visited the Property in January 2025 and chapped the door and Mrs McMurray happened to open the door. She was not expecting it to be Mrs Lawson. Mrs Lawson said to Mrs McMurray that her rent was due. Mrs McMurray said that her daughter had a family birthday party and they had to pay for the party and they could not pay the rent. Mrs McMurray said that they would pay the rent. That was the last time Mrs Lawson had contact with the Respondent.

**26. The tribunal makes the following findings-in-fact:**

- 26.1. The Applicant is the registered proprietor of the Property.
- 26.2. There is a private residential tenancy between the Applicant and the Respondents for the Property which began on 9 November 2023 and is continuing.
- 26.3. The last payment of rent made by the Respondents personally was £200.00 on 31 January 2025.
- 26.4. The Notice to Leave seeking eviction on the basis of rent arrears was served on the Respondents on 4 March 2025 by email.
- 26.5. At the time of service of the Notice to Leave, the Respondents' rent arrears were £1793.60.
- 26.6. The Application to the tribunal was made on 16 June 2025.
- 26.7. At the time the Application, the rent arrears were £4129.88.
- 26.8. The Respondent has accrued further rent arrears since the Application was made.
- 26.9. The only payments received towards rent arrears have been four part payments made directly from the Council to the Applicant, of £254.48 on 18 July, 19 August, 19 September and 17 October 2025.

- 26.10. As at 8 December 2025, the rent arrears were £6,534.57.
- 26.11. At the start of the tenancy in October 2023, the Respondents (who are mother and son) lived in the Property.
- 26.12. The Respondent Mrs McMurray is around 51 and the Respondent Mr McMurray is around 26.
- 26.13. The Property is a two bedroomed flat.
- 26.14. In or around December 2024, the Respondents allowed Mrs McMurray's daughter and her young child to move into the Property with them without notifying the Applicant.
- 26.15. In or around January 2025, the Applicant attended at the Property and spoke to the Respondent Mrs McMurray. She was told that the reason for non payment of rent was a child's birthday party and that she would catch up with the rent. That was the last contact the Applicant had with the Respondents.
- 26.16. The Respondents have not responded to multiple attempts on the part of the Applicant to contact them in relation to the rent arrears.
- 26.17. The Respondents did not allow the Applicant access in or around October 2024 to deal with a leak in the building and the council had to become involved.
- 26.18. The Property is not adapted for disabilities.
- 26.19. Non payment of rent is not related to a failure or delay in payment of benefits.

## **Discussion**

- 26.20. The Respondents have not engaged with the proceedings. There is no opposition to the application for an order for eviction from the Property on Ground 12 of Schedule 3 to the 2016 Act.
- 26.21. The tribunal is satisfied that the requirements of Ground 12 of Schedule 3 to the 2016 Act are met. Reference is made to the findings of fact on rent arrears at the relevant dates.

- 26.22. The tribunal is satisfied that it is reasonable to make an order for eviction of the Respondents from the Property. Reference is made to the tribunal's findings in fact. The Respondents have substantial rent arrears and have failed to engage with the Applicant despite repeated attempts to engage with them. The Respondents have not engaged with the tribunal proceedings and there is no opposition to the Application.

### **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.**

**12 December 2025**

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**Ms. Susanne L. M. Tanner K.C.  
Legal Member/Chair**