



Decision 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/24/5156

Re: Property at 104 School Street, Coatbridge, ML5 4DQ ("the Property")

Parties:

Mr Graeme Paton, 58 Blair Road, Coatbridge, ML5 1NJ ("the Applicant")

Mrs Ashley Stewart, 104 School Street, Coatbridge, ML5 4DQ ("the Respondent")

Tribunal Members:

George Clark (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application, dated 4 November 2024 and received by the Tribunal on 8 November 2024, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The Grounds relied on were Grounds 11 and 14 of Schedule 3 to the Act, but at a Case Management Discussion held on 30 June 2025, the Applicant asked the Tribunal to consider the application solely under Ground 11, namely that the Respondent has failed to comply with an obligation under the tenancy.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement commencing on 8 February 2018 and a Notice to Leave dated 3 September 2024, citing Grounds 11 and 14 and advising the Respondent that an application to the Tribunal would not be made before 3 November 2024. The Landlord under the tenancy was the Applicant's wife, but he provided evidence of the transfer of the Property to him with entry on 4 April 2024.

3. The Applicant stated that the Respondent had failed to comply with the following clauses of the Tenancy Agreement: Clause 32, which prohibited her from keeping pets in the Property without the prior written consent of the Applicant; Clause 19, in that she had failed to allow him reasonable access for the purpose of carrying out repairs and inspections; and Clause 11, which prohibits sub-letting without the prior written consent of the landlord. The contention of the Applicant was that the Respondent's fiancé was living in the Property along with the Respondent and her children. This was denied by the Respondent.
4. A Case Management Discussion was held on 30 June 2025, following which the Tribunal issued Directions to the Parties, requiring them to lodge with the Tribunal any documentary evidence held by them, including text messages, which referred to whether or not permission was given for the Respondent to keep a pet in the Property, and requiring the Applicant to lodge written submissions setting out the up to date position regarding his having been charged with assault in relation to an incident alleged to have taken place at the Property on 9 March 2024. It was not disputed that the Respondent had subsequently refused the Applicant access to the Property, so the matter was relevant to any determination under Ground 11.
5. On 1 September 2025, the Applicant advised the Tribunal that the decision of the Procurator-fiscal on the allegation of assault had been that there was no case to answer. Neither Party produced any documentation in relation to permission having been sought by the Respondent to keep a pet in the Property.

Case Management Discussion

6. A second Case Management Discussion was held on the morning of 7 January 2026. The Applicant was present. The Respondent was also present and was represented by Mr Jim Melvin of Coatbridge Citizens Advice Bureau. Mr Melvin advised the Tribunal that the Respondent and her family have been offered alternative accommodation, which she has accepted. It is anticipated that she will receive the keys on 12 January 2026. The Respondent accepted that she was unable to produce evidence that the Applicant had consented in advance to her keeping a dog in the Property. Mr Melvin also confirmed that the Respondent had received a letter from the Procurator-fiscal's office advising her that no further action was going to be taken in relation to her allegation that the Applicant had assaulted her.

Reasons for Decision

1. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
2. Section 51 of the 2016 Act states that the Tribunal is to 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.

3. Ground 11 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has failed to comply with an obligation under the tenancy and the Tribunal may find the Ground applies if the tenant has failed to comply with a term of the tenancy and the Tribunal considers it to be reasonable to issue an Eviction Order on account of that fact.
4. The Tribunal was satisfied from the evidence before it that the Respondent had failed to comply with Clause 32 of the tenancy agreement, in that she had failed to obtain written consent on advance of bringing a pet dog into the Property. She had subsequently introduced a second dog without consent. Accordingly, the only matter for the Tribunal to consider was whether it would be reasonable to issue an Eviction Order.
5. The Tribunal noted that it was clear from the application and correspondence that the relationship between the Parties has completely broken down and also that the Respondent has been offered alternative accommodation, which she has accepted. The risk of damage to the Property as a result of two dogs living there was not insignificant and the Applicant had experienced difficulty in gaining access to inspect the Property. Accordingly, having considered all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order against the Respondent.
6. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

7 January 2026
Date