

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/25/2807

Re: Property at 73 Westwood Hill, East Kilbride, G75 8DN (“the Property”)

Parties:

Mrs Samia Younis, 48 Darnley Street, Glasgow, G41 2SE (“the Applicant”)

Miss Danielle Steele, 73 Westwood Hill, East Kilbride, G75 8DN (“the Respondent”)

Tribunal Members: Virgil Crawford (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 1st June 2022 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 1st June 2022.
3. Rent is payable at a rate of £450.00 per calendar month.
4. The Respondent fell into arrears of rent. The arrears began accruing in January 2024 and continued to increase thereafter.
5. A Notice to Leave dated 16th May 2025 was served upon the Respondent. As at that date arrears of rent amounted to £3,875.00.
6. No rental payments have been made since March 2025.

7. On 27 June 2025 the Applicant presented two separate applications to the Tribunal, one seeking an eviction order (EV/25/2807) and one seeking an order for payment in relation to arrears of rent (CV/25/2808).
8. A Notice in terms of section 11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the Local Authority.
9. Correspondence was forwarded to the Respondent in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020

THE CASE MANAGEMENT DISCUSSION

10. A Case Management Discussion was conducted by teleconference on 19th January 2026. The Applicant was represented by Mrs S Saddiq of MM Legal MacKinlay and Suttie Solicitors, Glasgow. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.

Eviction

11. Mrs Saddiq moved the Tribunal to grant an eviction order. She advised the Tribunal that rent arrears now amounted to more than £7,000.00. No payments are being made at present.
12. In relation to the personal circumstances of the Respondent, it is understood that she is the mother of three children although one of those children is now an adult. The youngest child is approximately 4 or 5 years of age. The age of the other child – the middle child – is not known.
13. There are no known health issues affecting either the Respondent or her children.
14. The Respondent previously advised the Applicant that she was wanting the Applicant to serve a Notice to Leave upon her to enable her to be rehoused. At that time she advised the Applicant she was in receipt of Universal Credit payments. She was also receiving a housing element in her benefits although it appears that is not being paid to the Applicant. The Applicant has not applied for direct payments from the Local Authority.
15. While the Respondent previously advised the Applicant of her desire to receive a Notice to Leave, she thereafter stopped engaging with the Applicant.

previously, when the Applicant telephoned her, the Respondent would terminate the call. More recently, calls to the Respondent's mobile number indicate that the telephone number is no longer active. The Applicant attended at the Property prior to Christmas 2025. It was apparent the Respondent was in occupation of the Property, but she did not attend at the door nor otherwise engage with the Applicant.

16. The Applicant has an outstanding mortgage on the Property and failure to receive rental payments clearly affects her financially as a result.

Rent Arrears

17. Rent statements had been provided to the Tribunal. While the rent statements were not entirely clear in their format, they did confirm there were arrears of rent as of May 2025.
18. Mrs Saddiq advised the Tribunal that she had not presented an application to amend the amount claimed. That was a conscious decision on the basis the Respondent is now in receipt of Universal Credit and, as a result, there would be practical difficulties with enforcement of any order in any event. She did advise, however, that there have been no rental payments since March 2025 and the arrears of rent now exceeded £7,000.00.
19. The amount claimed in the Application to the Tribunal was £4,225.00. The Application also sought a "judicial rate of interest" on any payment order made. Mrs Saddiq advised the Tribunal, however, that she was seeking interest at the rate of 4% per annum. The Tribunal considered that to be a reasonable rate of interest to apply to any payment order granted.

FINDINGS IN FACT

20. The Tribunal found the following facts to be established: -
- a) By lease dated 1st June 2022 the Applicant let the Property to the Respondent.
 - b) The start date of the tenancy was 1st June 2022.
 - c) Rent is payable at a rate of £450.00 per calendar month.
 - d) The Respondent fell into arrears of rent. The arrears began accruing in January 2024 and continued to increase thereafter. No rental payments have been made since March 2025. The Respondent, accordingly, is in arrears of rent for three or more consecutive months.
 - e) A Notice to Leave dated 16th May 2025 was served upon the Respondent. As at that date arrears of rent amounted to £3,875.00.
 - f) A Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the Local Authority.
 - g) Correspondence was forwarded to the Respondent in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
 - h) The Respondent no longer engages with the Applicant.

- i) There are no known delays or failures in the payment of any relevant benefit to the Respondent.

REASONS FOR DECISION

Eviction

- 21. On the basis of the information available to the Tribunal, and in the absence of any representations being received from, or an appearance being made by, the Respondent the Tribunal considered that it was reasonable to grant an order for eviction.

Rent Arrears

- 22. In the absence of any representations being received from, or an appearance being made by, the Respondent, and having regard to the previously decided case of Woro v Brown 2022 SLT (Tr) 97, the Tribunal granted a payment order in the sum of £4,225.00 with interest thereon at the rate of 4% per annum.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 25th February 2026

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.

Virgil Crawford

Legal Member/Chair

Date 19th January 2026