



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 52 of the Private Housing (Tenancies)(Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/25/3434

Re: Property at 1 Motherwell Street, Airdrie, ML6 7EJ (“the Property”)

Parties:

Ms Lesley Miller, Milton House, Milton Lockhart Estate, Lanark Road, Rosebank, Carluke, ML8 5QA (“the Applicant”)

Ms Angela Bryce, 1 Motherwell Street, Airdrie, ML6 7EJ (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent shall be evicted from the property on the basis of ground 12 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (rent arrears of at least one month’s rent for three or more consecutive months), the tribunal being satisfied that the rent arrears are not wholly or partly due to a delay or failure in payment of a relevant benefit, and it being reasonable in all of the circumstances that the eviction be granted.

Background

2. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). There was a second application before the tribunal to recover rent arrears in terms of rule 111. The Applicants were represented by Ms Adriana Capaldi trainee solicitor of Bannatyne Kirkwood and France Solicitors.

The Respondent did not attend and was not represented. The tribunal had sight of the execution of service of the applications on the applicant on 18 December 2025. The tribunal was satisfied that the applicant had received notice in terms of rule 24 and proceeded with the CMD in her absence in terms of rule 29.

3. The tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement dated 4 November 2019
- (2) Notice to leave dated 7 February 2025.
- (3) Proof of service of the notice to leave.
- (4) Rent statement.
- (5) Pre-action requirements letters.
- (6) Section 11 notice and proof of service.
- (7) Land certificate.
- (8) Evidence of landlord registration.

Preliminary matters

4. The tribunal require to be satisfied that the rent arrears are not wholly or mainly due to a delay or failure in a relevant benefit. Ms Capaldi advised that the rent arrears had increased to £8092 in January 2026 and an application to increase the sum sought in the CV case was sent to the tribunal on 21 January 2026. The tribunal had not had sight of the increase application. Ms Capaldi also advised that the respondent was unemployed and in receipt of Universal Credit but she was unable to clarify what portion of the rent was covered by Universal Credit. She referred to small payments of around £39 paid to the rental account in 2025 which may be from Universal Credit. The tribunal adjourned for a short time to enable Ms Capaldi to obtain instructions from her clients regarding the respondent's eligibility for Universal Credit and for her to ascertain if the application to increase the sum sought in the CV case was served on the respondent.

Case management discussion

5. Ms Capaldi was seeking an order for eviction on the basis of rent arrears which have increased to £8092 in January 2026. The application to increase the sum sought in the arrears case was sent to the tribunal on 21 January 2026 and served on the respondent by email at the same time. For some unknown reason the tribunal administration did not send the application to the respondent or the tribunal members. It was her client's instructions that the respondent was in receipt of Universal Credit from around the start of the tenancy and until April 2025 this was paid to the respondent directly by Universal Credit. This changed in May 2025 when the payments stopped without any communication from either the respondent or

Universal Credit. Ms Capaldi was instructed that the respondent lives in the property with two teenage children. She did not respond to any of the three letters sent to her in compliance with the pre-action requirements.

6. Findings in fact

- The Applicant is the owner and registered landlord of the property.
- Acting under the Applicant's authority as an undisclosed principal, The Applicant's husband Mr Manvir Singh entered into a private residential tenancy agreement with the Respondent for let of the property on 4 November 2019.
- The agreed rent was £750.
- The agreed interest on unpaid rent was 8 percent per annum.
- From around the start of the tenancy until April 2025 the rent was paid directly to the respondent's agents by Universal Credit.
- Rent arrears began to accrue in 4 November 2024.
- A valid notice to leave was served on the respondent on 7 February 2025 and at that time the rent arrears were £ 2210.64
- No rental payment was received in May 2025 and the applicant received no communication from either the respondent or Universal Credit regarding the rental payment.
- No payments of rent have been made since April 2025.
- On 4 January 2026 the accrued rent was £8092.
- The sum of £8092 remains outstanding.
- The rent arrears are not due to a delay or failure in payment in a relevant benefit.

Reasons

7. This was an undefended eviction application. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair.

8. There have been outstanding rent arrears of at least one month's rent since November 2024. The eviction ground is therefore met. The tribunal was satisfied on the balance of probability that the rent arrears are not due to a delay in payment in a relevant benefit. The arrears are substantial and the respondent has not engaged with the applicant or her agents to address the arrears. The tribunal was therefore satisfied it was reasonable in all of the circumstances to grant the 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.

L Ward

11 February 2026

Legal Member/Chair

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Date