



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

Chamber Ref: FTS/HPC/EV/25/0342

Re: Property at 17 Stornoway Street, Milton, Glasgow, G22 7RH (“the Property”)

Parties:

Doc's Prop Ltd, 138 Croftside Avenue, Croftfoot, Glasgow, G44 5ND (“the Applicant”)

Miss Megan Armstrong, 17 Stornoway Street, Milton, Glasgow, G22 7RH (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 6th April 2018 at a monthly rent of £575, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion (“CMD”) was made upon the Respondent by Sheriff Officer on 23rd July 2025.
3. A CMD took place by telephone conference on 4th September 2025. Neither party was in attendance. The Applicant was represented by Ms Annie Gage, Rent Locally. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.

4. Ms Gage informed the Tribunal she had been contacted by the Respondent by email on the morning of the CMD, stating that she had a cardiology appointment and asking to be informed of the outcome of the CMD and any appropriate date. Ms Gage said the Respondent suffers from ill health. She has two children residing with her who are under 18. The Respondent has been in contact with the local authority homelessness team.
5. Responding to questions from the Tribunal regarding the Applicant's circumstances, Ms Gage said she had not been provided with any further details of the financial hardship. The Applicant has other properties, but Ms Gage was unaware of how many properties they have. Responding to questions from the Tribunal, Ms Gage said there have been rent arrears in the past but the Respondent has entered into payment plans to cover the arrears. She is currently in arrears in the sum of £434.24 from last month's rental payment.
6. The Tribunal considered it did not have enough information to determine reasonableness and continued the application to a further CMD to allow both parties to address the Tribunal on the reasonableness of granting an order. The Respondent was made aware that a failure to attend or provide representations at the next CMD may lead to an order being made in her absence. The Respondent was advised to take suitable legal or housing advice on her situation.
7. Parties were notified of a CMD to take place by telephone conference on 19th February 2026.
8. By email on the morning of 19th February 2026, the Respondent stated that she was in hospital for surgery and hoped to attend the CMD if her phone signal allowed. The Respondent was urged to attend, and asked for her position in respect of the application. The Respondent replied by email to acknowledge the eviction process and its likely outcome, indicating that this would assist her in obtaining social housing, and seeking confirmation of the eviction date. She also expressed general concerns regarding her health and the impact of eviction on her children. The Respondent was advised to join the call so that the circumstances of both parties could be discussed and the reasonableness of granting an order could be considered.

Case Management Discussion

9. A CMD took place by telephone conference on 19th February 2026. The Applicant was not in attendance and was represented by Ms Gage. The start of the call was delayed to allow the Respondent to join the call. The Respondent did not join the call.
10. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.

11. Ms Gage said she had also been contacted by the Respondent on the morning of the CMD.
12. Ms Gage said the Applicant has thirteen properties to let. Ms Gage provided a breakdown of costs in respect of the Property, indicating that, if the rent is paid, there is a monthly profit of £61.50, but this is not sustainable. The Applicant also has three company loans to pay each month and credit card debt. No rent has been paid since the last CMD. There are now rent arrears of £4,412.52.
13. Ms Gage said she inspected the Property in January 2026. The Respondent stated that she was looking at another property. The Respondent informed Ms Gage about her child's health and said she was hopeful a move would be a new start for the family. Responding to questions from the Tribunal, Ms Gage said she was unaware why the Respondent had stopped paying the rent.

Findings in Fact and Law

14.

- (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 2nd August 2018.
- (ii) Notice to leave has been served upon the Respondent.
- (iii) The Applicant intends to sell the Property.
- (iv) The Applicant is entitled to sell the Property.
- (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
- (vi) The Respondent has failed to pay rent lawfully due.
- (vii) The Respondent has accrued rent arrears of £4,412.52.
- (viii) It is reasonable to grant an eviction order.

Reasons for Decision

15. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.

16. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
17. The Tribunal was concerned that the Respondent did not join the telephone conference, and took into account that she may not have been able to call from the hospital. The Tribunal took into account the information provided by email from the Respondent. The Tribunal noted the Respondent's comments concerning her health and the effect of an order upon her children. The Tribunal also noted that the Respondent stated that an eviction order would help her gain social housing. The Tribunal took into account that the Respondent has stopped paying rent. Although this was not a ground of eviction, the arrears are substantial and rising and may suggest the tenancy is not sustainable.
18. The Tribunal took into account the fact that the Applicant makes a modest profit on the Property when the rent is paid; however, there are business loans and other expenses to take into account, and the Applicant considers the situation to be unsustainable. The Tribunal considered the Applicant is now suffering financially due to the Respondent's sudden and unexplained failure to pay the rent.
19. The Tribunal was satisfied that the Respondent is in discussion with social housing providers, and that the local authority has a duty to accommodate the family if they are deemed to be homeless following the granting of an eviction order.
20. The Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to delay execution of the order for a period of six weeks, particularly considering the Respondent's medical needs and the fact that there are children in the Property.

Decision

21. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 6th April 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.

Ms H Forbes

Legal Member/Chair

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19th February 2026
Date