



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/24/4309**

**Property: 4 Zetland Street, Clackmanan, Clackmananshire FK10 4ES  
("Property")**

**Parties:**

**Margaret Ramsay and Kayleigh Summerscales c/o Russel + Aitken (Falkirk +  
Alloa) Ltd, 19 Mar Street, Alloa, Clackmannanshire FK10 1HR ("Applicant")**

**Russel + Aitken (Falkirk + Alloa) Ltd, 19 Mar Street, Alloa, Clackmannanshire  
FK10 1HR ("Applicant's Representative")**

**James Thomas Daniels also known as :- (i) James Thomas Page; (ii) Thomas  
Robert Daniels; and (iii) Thomas Robert Page, 4 Zetland Street, Clackmannan,  
Clackmannanshire FK10 4ES ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
("Tribunal") determined that an order for possession of the Property should be  
made.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Notice to Quit and form AT6 in terms of section 19 of the Housing (Scotland) Act 1988 ("1988 Act") dated 4 April 2024 with Royal Mail proof of delivery on 5 April 2024 and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 13 September 2024. A Case Management Discussion ("CMD") took place on 10 October 2025. Service of the application in advance of the CMD had been attempted at HMP Barlinnie but was unsuccessful. Service then took place by advertisement on the Tribunal website. Service had not been attempted at the

Property. The CMD was continued to allow service to be attempted at the Property. The Tribunal had sight of a sheriff officer's execution of service confirming service of the Application on the Respondent at the Property on 23 December 2025.

### **Case Management Discussion on 16 February 2026**

A further CMD took place on 16 February 2026. Ms Saltan of the Applicant's Representative was in attendance. The Respondent was not in attendance. The Tribunal noted that the Applicant are executors on the estate of the two individuals who hold title to the Property. The Tribunal noted that the Applicant believed the tenancy had been entered into informally some time ago and that the Respondent had made payments to the late Ms Dawson by way of rent. Ms Saltan told the Tribunal that the Applicant was not aware of the details of the informal tenancy or the nature of the relationship between those holding title to the Property and the Respondent. She said the Applicant wishes to sell the Property. She said the Respondent continues to occupy the Property.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. James White Forbes and Sharon Jane Dawson and the Respondent had entered into an informal tenancy in terms of which the Respondent occupies the Property.
2. Neither Party possesses a copy of the tenancy agreement.
3. A Notice to Quit dated 4 April 2024 was served on the Respondent on 5 April 2024 stating that the tenancy would terminate on 17 May 2024.
4. A Form AT6 in terms of section 19 of the 1988 Act dated 4 April 2024 was served on the Respondent on 5 April 2024.
5. The Respondent has persistently delayed paying rent which is lawfully due
6. At the date of service of the AT6 and the date of making the Application, rent lawfully due was unpaid.
7. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
8. The Applicant requires vacant possession of the Property in order to sell the Property.
9. The tenancy is not continuing by tacit relocation.

## **Reasons for the Decision**

The Tribunal was satisfied that the Respondent had entered into an assured tenancy in respect of the Property. The Tribunal was satisfied that a valid form AT6 had been served on the Respondent providing him with notice that eviction proceedings would be raised relying on grounds 11 and 12. In the absence of a copy of the tenancy agreement or agreement between the Parties as to when the tenancy commenced and the period for which it was granted, neither the Applicant or the Tribunal could confirm the correct date to insert in the notice to quit as being the *ish* date. The Tribunal considered the Upper Tribunal decision in *Brown v Lead* UTS/AP/25/0056 and determined that the service of the notice to quit and AT6 followed by the raising of this application for a possession order, intimated a lack of consent to the continuation of the tenancy and prevented tacit relocation from operating.

The Tribunal determined to make an Order for possession of the Property in terms of Section 18 of the 1988 Act. In terms of section 18 of the 1988 Act, the First-tier Tribunal may issue an eviction order against the tenant under an assured tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 5 applies. In the AT6 the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 11 and 12. Ground 11 is that the tenant has persistently delayed paying rent which is lawfully due. Ground 12 is that rent lawfully due is unpaid on the date on which proceedings for possession are begun and was in arrears at the date of service of the AT6.

The Tribunal considered the submissions made in the application and determined that grounds 11 and 12 had been established. Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order

## **Decision**

The Tribunal grants an Order for possession of the Property.

## **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.**

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# Joan Devine

**Legal Member**

**Date : 16 February 2026**