



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/25/3603

Re: Property at 8 Renfrew Place, Coatbridge, ML5 5RN (“the Property”)

Parties:

Mrs Ashley Reid, 11 Brambling Road, Coatbridge, ML5 4UP (“the Applicant”)

Ms Laura Campbell, Mr Anthony Quinn, 8 Renfrew Place, Coatbridge, ML5 5RN (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Second Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction. The Tribunal suspended enforcement of the order until 7 May 2026.

Background

1. By application dated 18 August 2025 the applicant seeks an order for eviction relying on ground 1 (landlord intends to sell the property) and ground 12 (rent arrears for 3 consecutive months) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.

2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notices to leave with proof of service

- Email correspondence with estate agents, Jewel Homes
 - Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003
 - Rent statement
3. A case management discussion (“cmd”) was assigned for 24 March 2026.

Case management discussion – teleconference – 24 March 2026

4. The applicant and the first respondent were both in attendance. The second respondent was not present or represented. Papers had been served on both respondents by Sheriff Officers on 6 February 2026. The Tribunal was satisfied that the second respondent had been properly notified of the cmd and proceeded with the discussion in his absence.
5. The applicant sought an order for eviction. In relation to ground 1 she confirmed that she is a landlord of 3 rental properties. She stated that she had decided to sell the property and one of the other properties as part of her financial planning for retirement. She stated that due to the level of rent arrears it was no longer affordable for her to keep the property as an investment.
6. In relation to ground 12 the applicant stated that arrears as at the date of the cmd had increased to £8750. She stated that the property was managed by letting agents who advised her when the rent was unpaid. She stated that no rent had been paid since April 2025. The applicant was referred to the rent statement that had been submitted. She stated that the amount of rent arrears in the statement was incorrect and was due to the way in which the letting agents produced the statement.
7. The first respondent did not oppose an order for eviction being granted. She stated that she no longer wished to reside in the property. She stated that she lived with her 2 children who were aged 5 and 20. She had made an application for housing to North Lanarkshire council. She had been advised that assistance would be provided after an eviction order had been granted.

8. The first respondent did not dispute that the applicant had a genuine intention to sell the property. She stated that she had not paid rent since summer 2025. She stated that the second respondent had moved out of the property. Her application for benefits had been impacted by the second respondent continuing to use the property as his address. She stated that she recently been awarded universal credit but had not received any payment as yet.
9. The first respondent sought a one month extension to the usual 30 day period before enforcement. She stated that additional time would assist in the local authority sourcing suitable accommodation. She stated that she was hoping to find accommodation which was within her youngest child's school catchment area. She stated that she currently works full time as a factory worker and relies on her daughter for help with childcare. She stated that she would maintain payments of rent to cover any period when enforcement was suspended.
10. The applicant opposed any extension. She stated that no rent had been paid for an extended period and it was likely that no rent would be paid for any suspension period which meant that the applicant would have to cover the cost of the rent arrears.

Findings in fact and law

11. Parties entered into a tenancy agreement with a commencement date of 19 September 2019.
12. Monthly rent due in terms of the agreement is £650.
13. The applicant intends to sell the property.
14. As at the date of the cmd the respondents have been in arrears of rent for more than 3 consecutive months.
15. The applicant produced no evidence to show compliance with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.

16. A valid notice to leave was served on both respondents on 12 May 2025.
17. The first respondent resides in the property with her 2 children aged 5 and 20 years old.
18. The second respondent no longer resides in the property.
19. The first respondent has applied for alternative housing from North Lanarkshire Council.
20. The first respondent does not oppose an order for eviction being granted.
21. The second respondent did not attend the cmd and did not submit any written submissions opposing an order for eviction being granted.

Reasons for decision

22. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

23. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

24. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

25. Ground 1 states:

(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph

(1) applies if the landlord—

(a) is entitled to sell the let property,

(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

26. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondents.

27. Ground 12 states:

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph

(1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit and

(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

28. The Tribunal was satisfied on the basis of the parties' oral submissions at the cmd that at the date of the cmd the respondent had been in arrears of rent for a period in excess of three months. The Tribunal required to be satisfied that the ground existed at the date the notice to leave was served i.e. 12 May 2025. The first respondent had stated that she had not paid rent since summer 2025. The applicant stated that no rent had been received for almost a year. It was not disputed that there was substantial rent arrears. Neither parties' position correlated with the figures in the rent statement that had been provided. The Tribunal accepted that the applicant had been relying on the letting agents to prepare an accurate rent statement. No pre action letters had been submitted providing information on the level of arrears in terms of the pre action protocol. The Tribunal was not satisfied that it had sufficient information to determine that ground 12 had been established at the date the notice was served on 12 May 2025 which was a requirement of finding that the ground for eviction had been established.

29. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an

order all available facts relevant to the decision were considered and weighed in the balance, for and against

30. The Tribunal gave significant weight to the personal circumstances of both parties. The Tribunal took into account the large amount of rent arrears and the financial impact on the applicant. The Tribunal determined that in light of the lack of opposition to an order for eviction being granted it was reasonable to grant an order.

31. The Tribunal considered the first respondent's request to suspend enforcement of the eviction order for one month. The Tribunal took into account the information that had been provided that the local authority would provide assistance once an eviction order was granted. The Tribunal accepted that an extension would increase the likelihood of suitable accommodation being provided. The Tribunal took into account that an extension may assist in finding accommodation within the same school catchment which would decrease the impact on the first respondent's son. Against that the Tribunal gave weight to the fact that rent had not been paid for a considerable period of time which meant that any extension may increase the likelihood of arrears increasing. The Tribunal determined that in the circumstances it was reasonable to grant a 2 week extension.

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.

Mary-Claire Kelly

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Legal Member/Chair

24 March 2026

Date