



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/4289**

**Re: Property at 16 Kings View, Rutherglen, G73 2BJ (“the Property”)**

**Parties:**

**Mr Raymond Levitus, 60 Milverton Road, Giffnock, G46 7LQ (“the Applicant”)**

**Miss Christine Ramsay, 16 Kings View, Rutherglen, G73 2BJ (“the Respondent”)**

**Tribunal Members:**

**Jim Bauld (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

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

**Background**

1. By application dated 6 June 2025 the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 10 December 2025 the application was accepted by the tribunal and referred for determination by the tribunal.

3. A Case Management Discussion (CMD) was set to take place on 6 May 2026 and appropriate intimation of that hearing was given to both parties.

### **The Case Management Discussion**

4. The Case Management Discussion (CMD) took place on 6 May 2026 via telephone case conference. The applicant was not present but was represented by his agent Mrs Gillian Hamilton from Belvoir, Glasgow. The Respondent was also present.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the parties with regard to the application.
7. The respondent indicated that she no longer wanted to stay in the property. She indicated that she has been struggling with her health over the last year. She indicated that she occupies the property with her two children a daughter aged 7 years and a son aged 4. She is currently in receipt of benefits but is not receiving Universal Credit (nor any e housing element of that) at present. She is claiming benefits relating to sickness owing to her ongoing health conditions which mean she is currently unable to work. She admitted that she has not paid rent since May 2025 and has effectively indicated to the landlord that she does not intend to pay rent until an eviction order is granted. She indicates that she will then make arrangements to repay the rent of years by means of instalments. She has been attempting to obtain alternative accommodation but has been advised by the local council that they will not assist unless and until an eviction order is granted.
8. The applicants indicated that they wished the eviction order to be granted. Since Mayh 2025 the respondent has paid nothing towards arrears which were now £7600. The landlord is 87 years of age. He owns a number of other rental properties but the lack of income from this property is causing him stress and anxiety.
9. The respondent was not opposed to the eviction order being granted and the tribunal asked parties whether the tribunal should consider delaying the enforcement of the eviction order. The respondent stated that she di not wish the order to be delayed ..

## **Findings in Fact**

10. The Applicant is the registered owner of the property.
11. The Applicant and the Respondent, as respectively the landlord and tenant entered into a tenancy of the property which commenced on 8 May 2019.
12. The tenancy was a private residential tenancy in terms of the Act.
13. The agreed monthly rental was £575.
14. On 30 July 2025 the applicant served upon the tenant a notice to leave as required by the Act. Service was effected by sheriff officers and the Notice became effective on 28 August 2025.
15. The notice informed the tenant that the landlord wished to seek recovery of possession using the provisions of the Act.
16. The notice was correctly drafted and gave appropriate periods of notice as required by law.
17. The notice set out one of the grounds contained within schedule 3 of the Act, namely ground 12 (that the tenant had been in arrears of rent for three or more consecutive months)
18. Arrears had started to accrue from December 2024 and at the date of the lodging of the application arrears amounted to £1,850
19. The amount of arrears at the date of the CMD was £7,600.
20. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.
21. The basis for the order for possession on ground 12 was thus established.

## **Reasons for Decision**

22. The order for possession sought by the landlord was based on a ground specified in the Act and properly narrated in the notice served upon the tenant. The tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the landlord was entitled to seek recovery of possession based upon that ground.
23. The tribunal accepted the evidence presented on behalf of the landlord with regard to the rent arrears. A rent statement was produced which set out the

history of the arrears. Since December 2024, the respondent has failed to pay the rent as it fell due and significant arrears have accrued. The Respondent did not dispute that arrears had accrued nor that she had failed to make any payments since May 2025.

24. The tribunal was satisfied that the tenant had been in arrears for a period far in excess of three consecutive months and the arrears owed were significant. The ground for eviction based on rent arrears was accordingly established.
25. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on ground 12 can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
26. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.
27. The Tribunal now has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the tribunal to grant the order or decline to grant the order will be relevant. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. This is confirmed by one of the leading English cases, *Cumming v Danson*, ([1942] 2 All ER 653 at 655) in which Lord Greene MR said, in an oft-quoted passage:

***“[I]n considering reasonableness ... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account”.***

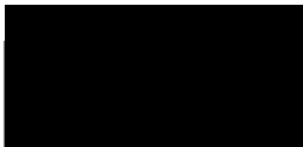
28. The level of arrears is extremely high. There is no suggestion that the tenant is making any attempt to meet the rent. The arrears as the date of the CMD are a significant sum and there appears to be little likelihood of them being repaid by the respondent. The respondent has already sought initial assistance from the local council. It is noted that she has a number of ongoing health issues. It is likely that she will only be fully assisted in obtaining alternative accommodation when an eviction order is granted and she faces actual homelessness. She is not opposed to the granting of the order.

29. In all the circumstances the tribunal decided that it was reasonable to grant the order sought. The Tribunal will delay enforcement of the order until 31 March 2026.

30. The tribunal decided to exercise the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

### **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.**



**08/05/2026**

---

**Legal Member/Chair**

---

**Date**