



Decision with Statement of Reasons 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/25/2573

Re: Property at 2/3, 15 Hawick Court, Glasgow, G13 4DW (“the Property”)

Parties:

Sanctuary Homes (Scotland) Limited, 7 Freelands Drive, Priesthill, Glasgow, G63 6PG (“the Applicant”)

Ms Sandra Cullis, 2/3, 15 Hawick Court, Glasgow, G13 4DX (“the Respondent”)

Tribunal Member:

Robert MacDonald (Legal Member) and Gerard Darroch (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (Tribunal) (in absence of the Respondent) determined that the provisions of paragraph 12 of Schedule 3 of the 2016 Act are met in this case and determined that it should grant an order for recovery of possession.

The Tribunal therefore made an Eviction Order under Section 51 of the 2016 Act.

In terms of Section 51(4) of the 2016 Act the private residential tenancy between the parties will end on 27th June 2026.

Background

1. The Applicant made an application dated 13th June 2025 for an Eviction Order under Section 51 of the 2016 Act and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Rules and Procedures) 2017 (“The Rules”). The Applicant relied upon ground 12 of Schedule 3 of the Act as the ground for eviction, namely that the Applicant has been in arrears of rent for three or more consecutive months.
2. The application was accepted by the Tribunal as valid on 15th August 2025. It was referred to a Tribunal for a determination. A Case Management Hearing

("CMD") was originally scheduled for 29th January 2026. At the Applicant's request, that hearing was discharged and a further CMD was subsequently set down to take place on 28th May 2026 by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules on 28th April 2026.

Case Management Discussion

3. The CMD took place on 28th May 2026 at 2pm. Ms Cartwright, Solicitor, Morton Fraser MacRoberts LLP represented the Applicant. There was no appearance on or on behalf of the Respondent.
4. The Tribunal had the following documents before it:-
 - a. Form E application form;
 - b. A copy of the private residential tenancy agreement between the parties;
 - c. A copy of the Notice to Leave and proof of delivery of the Notice on the Respondent by Sheriff Officers on 7th March 2025;
 - d. Copy Section 11 Notice in terms of the Homelessness Et (Scotland) Act 2003 and evidence of service on the Local Authority;
 - e. Copy pre action requirement correspondence between the Applicant and the Respondent;
 - f. A rent statement to 1st May 2026.
5. The Tribunal heard submissions from Ms Cartwright on behalf of the Applicant.
6. Ms Cartwright referred the Tribunal to the history of the case and reminded the Tribunal that the earlier Case Management Discussion had been discharged following a discussion with the Respondent regarding the rent arrears. The Respondent had told the Applicant that she had been out of work but had re-started work at the end of last year. An arrangement was then entered into with the Respondent to pay the monthly rent together with £400 per month towards the arrears. Payments of £400 towards the arrears together with the monthly rent had been made in December, January and February. The arrangement had thereafter not been adhered to by the Respondent, and nothing had been paid towards the rent in March, April or May. Subsequent attempts to contact the Respondent by email had been unsuccessful. The

Applicants had attempted to arrange a home visit with the Respondent, but she did not respond. The Respondent was believed to reside in the property with her eighteen-year-old daughter who it was understood was working part time as a care assistant. The property was two bedrooms. There was no information about whether or not the Respondent had made any enquiries to the Local Authority regarding re-housing.

7. The Tribunal adjourned the CMD to deliberate outwith the presence of the Applicant's agents. After a brief adjournment, the Tribunal resumed the CMD and confirmed the outcome.

Findings in Fact and Law

8. The Applicant is the landlord, and the Respondent is the tenant of the property in terms of a private residential tenancy agreement which commenced on 1st March 2023.
9. The Applicant's agents sent a Notice to Leave as defined by Section 62 of the 2016 Act to the tenant by Sheriff Officers on 7th March 2025. In terms of the Notice, the Respondent was advised that an application might be submitted to the Tribunal after 4th April 2025.
10. A Notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 were sent on behalf of the Applicant to the Local Authority on 13th June 2025.
11. The Applicants have observed the pre action requirements and corresponded with the tenant in relation to her rent arrears. They entered into an agreement with her that she would re-pay the rent arrears at the rate of £400 per month. That agreement was not adhered to by the Respondent.
12. At the date this application was submitted to the Tribunal, the Respondent was in arrears of rent in the sum of £4176.69. As at the date of the CMD, the Respondent was in arrears of rent in the sum of £8543.28.
13. The Tribunal considered the Respondent's circumstances insofar as they were known to the Tribunal. She was believed to be in employment and lived with an adult daughter who was also in part time employment.
14. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it which required the Tribunal to identify the factors relevant to issues of reasonableness to determine how much weight should be applied to them. The Tribunal attached considerable weight to the extent of the arrears, the fact that the Respondent had entered into an arrangement with the Applicant which she had not adhered to, and the fact that she had not opposed the application.

15. Having regard to the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
16. The Tribunal was satisfied that the provisions of paragraph 12 of Schedule 3 of the 2016 Act have been met in this case.
17. The decision of the Tribunal was unanimous.

Decision

18. 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.

Robert MacDonald

28.5.26

Legal Member/Chair

Date