



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 (“the 2016 Act”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/EV/26/0720

Re: Property at 30 Silverbanks Court, Cambuslang, Glasgow, G72 7FN (“the Property”)

Parties:

Angela McCusker, 24 Robert Louis Way, North Berwick, EH39 5FR (“the Applicant”)

Mr Steven Lyon, 30 Silverbanks Court, Cambuslang, Glasgow, G72 7FN (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Andrew Taylor (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession of the property be granted.

Background

1. By application received on 13 February 2026, the Applicant applied to the Tribunal for an order for recovery of possession of the Property in terms of Section 51 of the 2016 Act against the Respondent. The application sought recovery in terms of Ground 1 of Schedule 3 to the 2016 Act (landlord intends to sell). Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, the Notice to Leave/proof of service of same, the Section 11 Notice to the local authority in terms of the Homelessness (Scotland) Act 2003 and evidence in support of the ground,

namely confirmation that estate agents were instructed in relation to the proposed sale. An application for payment of rent arrears of £7,395 was submitted at the same time. The applications were conjoined and proceeded together to the Case Management Discussion ("CMD").

2. Following initial procedures, on 30 April 2026, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 20 August 2026 was served on the Respondent by Sheriff Officer on 20 July 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations. No written representations were lodged by or on behalf of the Respondent prior to the CMD.
4. On 4 August 2026, the Applicant's representative lodged an updated Rent Statement indicating that the balance of arrears had now increased to £10,755.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by telephone conference call on 20 August 2026, commencing at 10am. In attendance was Mr Jack Rennie of Anderson Strathearn LLP on behalf of the Applicant. The Tribunal gave the Respondent an extra five minutes to join the call late but he did not do so, so the CMD proceeded in his absence.
6. Following introduction and introductory comments by the Legal Member, Mr Rennie confirmed that they had not had any contact with the Respondent prior to today but understood that he was still occupying the Property. He referred to the updated Rent Statement lodged with the Tribunal and circulated to the Respondent. He confirmed that the Applicant was seeking a payment order at the CMD in the increased sum due of £10,755 and also an eviction order. He submitted that it was appropriate and reasonable for the Tribunal to grant both applications.
7. Mr Rennie confirmed that it is the Applicant's intention to sell the Property, primarily for economic reasons. The accumulating rent arrears is a relevant factor in this decision and the Applicant now sees it a necessity to sell this Property. Mr Rennie's understanding is that she has no intention of renting out the Property again and has accordingly instructed Countrywide to act for her in the prospective sale once possession of the Property is obtained. He confirmed that, in discussions with the Applicant, she has been absolutely clear in her wish to sell the Property.
8. Mr Rennie advised that there had been no meaningful engagement from the Respondent, either with the Applicant, the letting agents or her solicitors. The Respondent has given no explanation for the arrears or details of his circumstances. Mr Rennie knows only that the Respondent is understood to live alone. He referred to the rent statements lodged and the background to the

rent arrears. There were sporadic payments dating back several years and under-payments of the monthly rent. The situation deteriorated further from May 2025, when the last payment was received. Since then, there have been no payments made at all and the arrears have risen to a significant level. Mr Rennie stated that there is only so long that a landlord can endure such financial losses. There is still a mortgage over the Property and his understanding is that this is the only property that the Applicant rents out. She also owns the property that she lives in herself and will have her own costs.

9. The Tribunal considered the application and advised that the Tribunal had decided to grant both orders sought. It was explained that the decision documentation would be issued shortly. Mr Rennie was thanked for his attendance and the CMD concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 31 January 2020.
3. The Applicant intends to sell the Property and to market it for sale as soon as possible and within 3 months of obtaining vacant possession, having already instructed an estate agent in the matter.
4. A Notice to Leave in proper form and giving the requisite period of notice (84 days) was dated 27 June 2025 and was served on the Respondent by Recorded Delivery post and signed for by him, on 28 June 2026.
5. The date specified in the Notice to Leave as the earliest date the eviction Application could be lodged with the Tribunal was 24 September 2025.
6. The Tribunal Application was submitted on 13 February 2026.
7. The Respondent has remained in occupation.
8. The Applicant intends to sell the Property for financial reasons.
9. There are currently significant rent arrears of £10,755.
10. There is a history of rent arrears over a lengthy period of time and no payments towards rent have been made by the Respondent since May 2025.
11. The Respondent has not engaged with the Applicant or her agents regarding the arrears or offered any explanation for them.
12. The Respondent has not engaged in the Tribunal process and did not attend the CMD.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the further representations lodged on behalf of the Applicant and the additional oral information provided at the CMD on behalf of the Applicant by her representative.
2. The Tribunal found that the application was in order, that a Notice to Leave in proper form and giving the requisite period of notice (84 days) had been served on the Respondent and that the application was made timeously to the Tribunal, all in terms of the tenancy agreement and the relevant provisions of the 2016 Act. The Tribunal noted that the copy tenancy agreement submitted in support of the application was incomplete but that an Affidavit explaining the circumstances had been produced from the Applicant's letting agent who had dealt with matters at the relevant time. The Tribunal was satisfied from this, together with the other supporting documentation lodged, that there was a tenancy agreement between the parties which had commenced on 31 January 2020 at an initial monthly rent of £545, subsequently increased to £560. The Tribunal also noted that the Recorded Delivery postal receipt corresponding with the 'track and trace' delivery receipt had not been produced. Again, correspondence between the Applicant's letting agents and solicitors had been produced, explaining the surrounding circumstances. The Tribunal was satisfied from all the documentation before it in this regard that service of the Notice to Leave on the Respondent had properly been made.
3. The Tribunal considered that the ground of eviction, that the landlord intends to sell (Ground 1 of Schedule 3 to the 2016 Act, as amended) was satisfied in that all elements of Ground 1 were met and that it was reasonable, having regard to the lack of any opposition from the Respondent and all of the circumstances known to the Tribunal, to grant the eviction order sought.
4. The Tribunal had noted that there was supporting documentation with the application from the Applicant's estate agents who had been instructed to act in the sale of the Property with a view to it being sold once vacant possession had been obtained. The Tribunal noted the Applicant's financial circumstances, and the reasons stated for them requiring to sell the Property, including the rent arrears situation, all as narrated above. The Tribunal had no information regarding the Respondent's personal or financial circumstances, other than that he was understood to live alone. There was a lengthy background of rent arrears dating back several years and arrears had accrued significantly since payments towards rent had stopped altogether from May 2025. Arrears now amounted to almost £11,000 and there had been no engagement or explanation from the Respondent. The Tribunal was satisfied that it was not reasonable to expect the Applicant to absorb further financial losses. The Tribunal accordingly determined that it was reasonable to grant the eviction order sought, to allow the Applicant to recover the Property as soon as possible, to sell it and to recoup some of her financial losses.

5. The Tribunal did not have any material before it to contradict the Applicant's position, nor any opposing arguments from the Respondent. The Tribunal accordingly determined that an order for eviction could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.
6. The Tribunal's decision is unanimous.

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.

N Weir

Legal Member/Chair

20 August 2026
Date