



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/26/0062

Re: Property at 13 The Oval, Glenboig, ML5 2RZ ("the Property")

Parties:

Laura Palmer, 4 Yeomanry Drive, Baldoch, SG7 6WA ("the Applicant")

Samantha Daly, 13 The Oval, Glenboig, ML5 2RZ ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 25 August 2026, the Applicant was not present but was represented by Ms Evelyn Hunter of Homelink Estate & Letting Agents Ltd. Mr Ian Lobban of Homelink Estate & Letting Agents also joined the CMD part way through at the request of Ms Hunter. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that -

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 14 July 2024. The Respondent had occupied the Property prior to that date under a different tenancy agreement.
- iii. The rent payable in terms of the PRT is £550 per calendar month.
- iv. On 28 November 2025, the Applicant's agent served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 29

- December 2025 on the basis of Ground 12 of Schedule 3 of the 2016 Act. The rent arrears due by the Respondent to the Applicant at that date were £6,050.
- v. The Applicant has served on North Lanarkshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The Application is dated 7 January 2026.

The CMD

At the CMD and in response to questions from the Tribunal Ms Hunter for the Applicant made the following oral submissions –

- i. The Applicant seeks an eviction order.
- ii. The Respondent is still in occupation of the Property. She lives there with her partner and her child who is of high school age.
- iii. Her partner's presence in the house is apparent from the Respondent's social media photographs and from male clothing in the wardrobes and male items in the bathroom. The local authority has been made aware of these facts.
- iv. The rent arrears have increased to £11,000.
- v. The last payment made by the Respondent was in January 2025.
- vi. The Respondent has not been in contact with Ms Hunter's office for some time. She has refused access for contractors to undertake certification inspections.
- vii. Access was last gained to the Property around a year ago.
- viii. The Property has three bedrooms.
- ix. There are no known disabilities affecting the Respondent or her family.
- x. It is not known if the Respondent is working.
- xi. The Respondent previously made contact with the local authority regarding alternative accommodation. The Council will not consider the Respondent's position until an eviction order is granted. As the Respondent's actions are on purpose no assistance is likely to be provided.
- xii. The Section 11 Notice was served by email on 14 January 2025.
- xiii. Ms Hunter was unsure of the position regarding pre action protocol letters issued to the Respondent and invited Mr Lobban to join the call which he did.
- xiv. Mr Lobban stated the Respondent had been difficult to deal with. The Tribunal intimated the "Checklist" provided by Mr Lobban with the application is not sufficient. The Tribunal asked if pre action protocol letters or emails had been sent to the Respondent per the Scottish Government's templates or similar. The answer was not clear and no such letters or emails were produced.
- xv. Ms Hunter stated that numerous text and Whatsapp messages were sent to the Respondent asking for payments. Previously she would pay a lump sum from time to time. Latterly all messages were ignored. Her last response was in May 2025.
- xvi. The Applicant has no other rental properties.

The Tribunal adjourned briefly.

Findings in Fact

The Tribunal made the following findings in fact:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms the PRT that commenced on 14 July 2024. The Respondent had occupied the Property prior to that date under a different tenancy agreement.
- iii. The rent payable in terms of the PRT is £550 per calendar month.

- iv. On 28 November 2025, the Applicant's agent served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 29 December 2025 on the basis of Ground 12 of Schedule 3 of the 2016 Act. The rent arrears due by the Respondent to the Applicant at that date were £6,050.
- v. The Applicant has served on North Lanarkshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vi. The Respondent is still in occupation of the Property. She lives there with her partner and her child who is of high school age.
- vii. The rent arrears have increased to £11,000 as at 25 August 2026.
- viii. The last payment made by the Respondent was in January 2025.
- ix. The Respondent has not been in contact for some time. She has refused access for contractors to undertake certification inspections.
- x. Access was last gained to the Property around a year ago.
- xi. The Property has three bedrooms.
- xii. There are no known disabilities affecting the Respondent or her family.
- xiii. It is not known if the Respondent is working.
- xiv. The Respondent previously made contact with the local authority regarding alternative accommodation.

Reasons for Decision

The Respondent did not participate at either CMD and had lodged no written representations. The Applicant's position was not therefore challenged by the Respondent and was accepted by the Tribunal.

The rent arrears have increased from £6,050 at the date of service of the Notice to Leave to £11,000 as at the CMD which is a significant increase with the Respondent having made no payment since January 2025 and not having engaged at all since May 2025.

The Tribunal was not persuaded that any pre action protocol letters or emails had been issued to the Respondent. No such letters or emails had been produced and there appeared to be uncertainty as to what the Tribunal required with the "Checklist" lodged being inadequate. No fault for this rests with the Applicant. The Respondent has been contacted repeatedly for payment of sums due. She has also made contact with the local authority relative to alternative accommodation. In the circumstances but with some reluctance the Tribunal determined that it would exercise its discretion and determined that, notwithstanding the absence of pre action protocol letters, it is nonetheless still reasonable to grant an eviction order.

Decision

The Tribunal granted an eviction order against the Respondent in favour of the Applicant under Ground 12 of Schedule 3 of the 2016 Act.

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.

Legal Member/Chair

Gillian Buchanan

25 August 2026
Date