



**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/26/1023

Property : 2 Ben Nevis Way, Cumbernauld G68 9JA (“Property”)

Parties:

**Greenfield Property Investment Ltd, 33a Milton Road, Middlessex TW12 2LL
 (“Applicant”)**

**RentLocally Ltd, Unit 1, 109 Swanston Road, Edinburgh EH10 7DS (“Applicant’s
Representative”)**

**Geraldine Gough and Darren Gough, 2 Ben Nevis Way, Cumbernauld G68 9JA
 (“Respondent”)**

Tribunal Members:

Joan Devine (Legal Member)

Greig Adams (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
 (“Tribunal”) determined to grant an order for possession of the Property.**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 11 September 2023 (“Tenancy Agreement”); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 29 January 2026 (“Notice to Leave”) with covering email of the same date; statement of rent arrears indicating arrears of £4,015 at 11 January 2026; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and evidence of compliance with the pre-action protocols. The Application was served on the Respondent by sheriff officer on 29 June 2026.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 30 July 2026 by teleconference. The Applicant was represented by Annie Gage and Andrew Stevenson of the Applicant's Representative. Geraldine Gough of the Respondent was in attendance.

Mr Stevenson told the Tribunal that the rent had not been paid since October 2025 and the arrears are now £8,935. Ms Gage told the Tribunal that if the Applicant regained possession of the Property they would place on the market to be re-let.

Ms Gough told the Tribunal that Darren Gough is in employment as a HGV driver. She said that she had been in employment until a year ago. She then suffered mental health issues and became unable to work. She said that she is on medication for anxiety and depression. She said she had gone into full time education and had obtained a bursary. She said that she was however unable to access a student loan or any other form of financial support. She said that she had four children living in the Property with her aged 9, 11, 15 and 19. She said that she is aged 36 and Mr Gough is aged 37.

Ms Gough told the Tribunal that she had been in touch with her local authority about alternative accommodation but they had not been helpful. They had told her they could not do anything until an order for eviction was granted. They told her that once that happened they would look for temporary accommodation. They told her it could be situated anywhere and that only one offer would be made. Ms Gough said that she had always been very independent and now found that nobody wanted to help her. She said that she did not want to prolong the eviction process.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 11 September 2023.
2. The Notice to Leave was served by email on 29 January 2026.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. The Applicant had complied with the pre-action protocol prescribed by the Scottish Ministers.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. Having considered all of the circumstances, and in the absence of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

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.

**Joan Devine
Legal Member**

Date : 30 July 2026