



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18 (1) of the Housing
(Scotland) Act 1988**

Chamber Ref: FTS/HPC/EV/26/0862

**Re: Property at 1-R, 137 CUMBERNAULD ROAD, STEPPS, GLASGOW, G33 6EY
("the Property")**

Parties:

Mr David Black, 4 Whittington Road, Gartcosh, G69 8BF ("the Applicant")

**Miss Amanda Reid, 1R, 137 Cumbernauld Road, Stepps, Glasgow, G33 6EY
("the Respondent")**

Tribunal Members:

Sarah O'Neill (Legal Member) and Angus Lamont (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 should be granted in favour of the Applicant against the Respondent.

Background

1. An application was received on 20 February 2026 from the Applicant's solicitor under rule 65 of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 ("the 2017 rules") seeking recovery of possession of the property under Grounds 11 and 12 as set out in schedule 5 of the 1988 Act.
2. Attached to the application were the following:
 - (i) Copy rent statement showing the Respondent's outstanding rent arrears to be £16448.01 as at 1 February 2026.

- (ii) Copy form AT6 addressed to the Respondent dated 30 January 2026, citing grounds 11 and 12, together with certificate of service by sheriff officer dated 30 January 2026.
 - (iii) Copy short assured tenancy agreement between the parties in relation to the property, which commenced on 31 March 2010.
 - (iv) Copy (unsigned and undated) form AT5 in respect of the tenancy agreement.
 - (v) Copy notice to North Lanarkshire Council under section 11 of the Homelessness etc. (Scotland) Act 2003, together with covering email dated 20 February 2026.
 - (vi) Pre-action requirements letter to the Respondent from the Applicant's solicitor dated 7 January 2026.
3. The application was accepted on 17 March 2026.
4. Notice of the case management discussion (CMD) scheduled for 25 August 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 23 July 2026. The Respondent was invited to submit written representations by 12 August 2026.
5. No written representations were received from the Respondent prior to the CMD.

The case management discussion

6. A CMD was held by teleconference call on 25 August 2026 to consider both the present application and the accompanying civil proceedings application (reference: FTS/HPC/CV/26/0863). The Applicant was represented on the teleconference call by Miss Simone Callaghan of TC Young solicitors. There was also an observer on the teleconference call.
7. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.
8. The Tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. The Tribunal therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicant

9. Miss Callaghan asked the Tribunal to grant an eviction order in favour of the Applicant against the Respondent on grounds 11 and 12. The Respondent owes significant rent arrears, which amounted to £19478.01 as at the date of the CMD. She has paid no rent since March 2025.
10. The property is the Applicant's only property. He has a mortgage over the property and is having to make the mortgage payments for this from his own pocket. due to the Respondent's failure to pay her rent, as she is required to do under the tenancy agreement. This is affecting his family life.
11. The Respondent had agreed to a repayment arrangement around 2 years ago, but had not adhered to this. The Applicant had hand delivered letters to the Respondent regarding her arrears in 2022 and 2023. He had not heard from her in a long time.
12. The Applicant had complied with the pre-action requirements. While he believed that the Respondent is currently unemployed, he is not aware of any issues with her benefits that could have led to the arrears.
13. Regarding the Respondent's circumstances, the Applicant believed that she had previously had a partner living with her, but did not know whether this was still the case. The Respondent has no health issues to the Applicant's knowledge. She is believed to have two children living with her, one of whom is believed to be around 9 years old.
14. The Applicant was aware that the Respondent had sought advice from Barnardos. Her support worker had requested a copy of the form AT6 and this had been sent to them on 9 June 2026, but there had been no further contact from them. She had also been receiving money advice from North Lanarkshire Council. Ms Callaghan said that she was unaware as to whether the Respondent had been in contact with North Lanarkshire Council with regard to seeking alternative accommodation. She noted, however, that the Council should be aware of the proceedings as they had received the section 11 notice, and they had previously assisted the Respondent.
15. Miss Callaghan submitted that it would be reasonable to grant an eviction order, given the significant rent arrears owed by the Respondent.

Findings in fact

16. The Tribunal made the following findings in fact:

- The Applicant owns the property and has submitted an application to be the registered landlord for the property.
- The parties entered into an assured tenancy with regard to the property on 31 March 2010 for 12 months until 12 March 2011.
- The Applicant contracted out of tacit relocation, as stated at paragraph 1.12 of the tenancy agreement.
- There is currently a statutory assured tenancy in place between the parties.
- The rent payable under the tenancy agreement has been £550 per month, due on the 31st of each month, from its commencement until the date of the CMD.
- The form AT6 met the necessary statutory requirements. It was validly served on the Respondent by sheriff officer on 30 January 2026.
- The Applicant's solicitor sent a valid notice to North Lanarkshire Council under section 11 of the Homelessness etc. (Scotland) Act 2003 on 20 February 2026.
- The Respondent has been in rent arrears continuously since December 2016.
- The Respondent has made no rental payments since 1 March 2025.
- As at the date of the CMD, the Respondent's rent arrears totalled £19748.01.
- The Applicant has complied with the pre-action requirements.
- The Applicant owns no other rental properties.
- The Applicant has a mortgage over the property.
- The property is a two- bedroomed flat.
- The Respondent is believed to have two dependent children living with her in the property.
- The Respondent's rent arrears are not due to any delay or failure in the payment of relevant housing benefit or relevant universal credit.

Reasons for decision

17. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties.
18. The Tribunal was satisfied that the requirements of both Grounds 11 and 12, as set out in Schedule 5 of the 1988 Act had been met. In terms of Ground 11, the Respondent had persistently delayed paying rent which has become

lawfully due since at least 2016. Ground 12 also applies as some rent lawfully due from the Respondent was (a) unpaid on the date on which the proceedings for possession were begun; and (b) was in arrears at the date of the service of the form AT6 relating to those proceedings.

19. The Tribunal then considered whether it was reasonable to make an order for recovery of possession. In doing so, it took into account all of the available information about the circumstances of the case.

20. Firstly, the Tribunal considered the terms of section 18 (4A) of the 1988 Act, which states:

(4A) In considering for the purposes of subsection (4) above whether it is reasonable to make an order for possession on Ground 11 or 12 in Part II of Schedule 5 to this Act, the First-tier Tribunal shall have regard, in particular, to—

(a) the extent to which any delay or failure to pay rent taken into account by the Tribunal in determining that the Ground is established is or was a consequence of a delay or failure in the payment of relevant housing benefit or relevant universal credit, and

(b) the extent to which the landlord has complied with the pre-action protocol specified by the Scottish Ministers in regulations.

21. The Tribunal noted that the Applicant did not believe that the Respondent's rent arrears were due to any delay or failure in the payment of relevant housing benefit or relevant universal credit. No submissions had been received from the Applicant to the contrary.

22. The Applicant's solicitor had sent a letter dated 7 January 2026 to the Respondent which met the pre-action requirements.

23. The Tribunal took into account the fact that the Respondent had accrued a significant level of rent arrears over a period of almost 10 years. This was having a financial impact on the Applicant, who has a mortgage over the property and is receiving no rent to cover the mortgage payments.

24. While the Respondent had previously reached a payment arrangement with the Applicant, she had not stuck to this.

25. The Tribunal noted that the Respondent has been living in the property for more than 16 years, and that she appears to have dependent children living with her. It appears from the rent statements that she had previously been receiving local

housing allowance towards her rent, but her current situation is unclear. She is believed to be unemployed. She is nevertheless obliged to pay her rent each month in terms of the tenancy agreement.

26. It appears that the Respondent has been in receipt of advice and support from two different agencies, including North Lanarkshire Council. Nothing has been received from the Respondent to indicate that she opposes the application.

27. Having taken into account all of the above considerations, the Tribunal gave particular weight to the fact that the Respondent had accrued a significant level of rent arrears over a period of almost 10 years, and had paid nothing for almost 18 months. The present situation is clearly having a financial impact on the Applicant.

28. The Tribunal therefore determined that in all the circumstances it would be reasonable to grant an order for recovery of possession in favour of the Applicant.

Decision

The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of 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.

Sarah O'Neill

Legal Member/Chair

25th August 2025

Date