



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/26/0821

Property : 11 Craigswood, Livingston EH54 5EP ("Property")

Parties:

Linda Bradburn, 11 Murieston Drive, Livingston, West Lothian EH54 9AU ("Applicant")

Jackson Boyd LLP, Framework, 124 St Vincent Street, Glasgow G2 5HF ("Applicant's Representative")

Lyle Gribbon and Angela Prentice McIntosh, 11 Craigswood, Livingston EH54 5EP ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Elaine Munroe (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 5 August 2024 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 16 January 2026 ("Notice to Leave") with covering email to each Respondent dated 16 January 2026; statement of rent arrears indicating arrears of £4000 at 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 12 August 2026.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal on 2 October 2026 by teleconference. The Applicant was in attendance and was represented by Robyn Linich of the Applicant's

Representative. The Respondent was not in attendance. Ms Linich told the Tribunal that the arrears are now £10,400. She said that Ms McIntosh had contacted the letting agent on 7 July 2025 to say that the relationship between the Respondents had broken down and she wished to end the tenancy. On 9 July 2025 Mr Gribbon contacted the letting agent and said he wished to continue the tenancy. Ms Linich said that the tenancy was not formally terminated and a new tenancy agreement was not put in place. The Applicant told the Tribunal that she estimated that the Respondents are aged in their 50s. She said there were no children living in the Property. Ms Linich told the Tribunal that West Lothian Council had contacted the Applicant and told her that alternative accommodation had been made available for Mr Gribbon but the keys to the Property had not been returned, a lot of items belonging to the Respondent remained in the Property and the Applicant believed that Mr Gribbon continues to access the Property. In those circumstances an order for possession was still required.

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 5 August 2024.
2. The Notice to Leave was served by email on 16 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

a submission 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 : 2 October 2026