Housing and Property Chamber
First-tier Tribunal for Scotland

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/26/1491

Re: Property at 8/6 Woodside Walk, Hamilton, ML3 7HY ("the Property")

Parties:

Mrs Janette Keenan, 4 Overton Avenue, Strathaven, ML10 6NR ("the Applicant")

Ms Jennifer McKidd, 8/6 Woodside Walk, Hamilton, ML3 7HY ("the Respondent")

Tribunal Members:

Julie McKinlay (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. By application dated 15 May 2026 the Applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the Act") and in terms of Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the procedure rules"). On 1 June 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.

2. A Case Management Discussion (CMD) was set to take place on 26 October 2026, and appropriate intimation of the hearing was given to all parties. The application was heard alongside case reference FTS/HPC/CV/26/2187.

Case Management Discussion

3. The CMD took place on 26 October 2026 via telephone case conference. The Applicant was represented at the CMD by Mr John Gildea, John Jackson and Dick Ltd. The Respondent did not attend. The papers had been intimated by Sheriff Officers to the Respondent on 18 August 2026. The Tribunal was satisfied that the requirements of Rule 24 (1) regarding the giving of notice of a hearing had been complied with and proceeded with the Case Management Discussion in terms of Rule 29 of the 2017 Rules.

4. The Tribunal heard from the Applicant.

5. The Applicant sought recovery of possession on two grounds. The Applicant intends to sell the Property, and the Respondent has been in rent arrears for three or more consecutive months. In terms of the intention to sell the only evidence before the Tribunal was a screen shot of the property being advertised for sale with an Estate agent. The solicitor advised the Applicant to remove the advert as the Respondent still resided in the Property. No other evidence of the intention to sell the property has been provided such as a letter of engagement from a solicitor or estate agent or home report.

6. The Applicant's representative made reference to the statement of account. The Respondent has been in arrears of rent since 3 November 2025. The Applicant wrote to the Respondent on 5 December 2025, 4 January 2026 and 24 March 2026. All of the communications with the Respondent give information on Citizens Advice Bureau and assistance with benefits. The Respondent has failed to engage with the Applicant.

7. The Property is the Applicant's only rental property. The Applicant relies on ten come from the rent to supplement her income and the sums was also used to assist with the mother's care home fees. The Property also has a mortgage.

8. The Property comprises one bedroom. Initially the Respondent moved into the Property with her adult daughter. Thereafter another adult daughter moved in and gave birth to. A baby. The property is unsuitable for 3 adults and a baby. The Applicant understood that the Respondent was employed as she advised the Applicant that she paid £60 per day on a taxi to get to and from work.

Findings in Fact

9. The Applicant is the registered owner of the property.

10. The Applicant is the landlord and the Respondent the tenant in terms of the private residential tenancy entered into on 1 October 2025.

11. On 2 March 2026 the Applicant served upon the Respondent a notice to leave as required by the Act. The notice informed the Respondent that the Applicant wished to recover possession using the provisions of the Act.

12. A notice was served on South Lanarkshire Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003 on 2 April 2026.

13. 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.

Reasons for Decision

14. The Tribunal noted that the eviction was sought under and in terms of grounds 1 and 12 of schedule 3 of the Act.

15. 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 the schedule 3 applies. In the Notice to Leave the Applicant states that they sought recovery of possession of the property on the basis set out in grounds 1, the landlord intends to sell and 12 which is that the tenant has been in rent arrears for three or more consecutive months.

16. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the respondent indicating that the applicant intended to seek an eviction order based on ground 1 and ground 12.

17. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. The Tribunal had limited information before them as to the intention to sell on which to conclude that the ground had been met.

18. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.

19. The Tribunal find that it is reasonable to grant the order. The Tribunal accept the evidence provided by the Applicant. The Income from the Property is required by the Applicant. The Respondent has offered no explanation for her failure to make payment of the rent. The Respondent has refused to engage with the Applicant in their attempts to discuss the arrears with her. The Respondent has been provided with information as to where relevant advice may be sought. The Property is unsuitable for three adults and a baby to reside in.

20. In all the circumstances it is reasonable to grant the order.

21. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

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.

Julie McKinlay

26/10/26

Legal Member/Chair **Date**