



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/4261

Re: Property at 23 Sannox Drive, Saltcoats, KA21 6JD (“the Property”)

Parties:

Sanderson Properties (Glasgow) Ltd, 4 Beech Avenue, Baillieston, Glasgow, G69 6LJ (“the Applicant”)

Ms Maxine Brown, 23 Sannox Drive, Saltcoats, KA21 6JD (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment to the Applicant the sum of Five Thousand Nine Hundred and Fifty Pounds and Twenty Pence (£5,950.20)

Introduction

These are linked application. The first application seeks an eviction order and is under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The second application seeks a payment order relating to arrears of rent and is under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussions (CMDs) took place upon the respondent by Sheriff Officers on 19 February 2026.

The CMD took place by teleconference on 9 April 2026 at 2.00 pm. The applicants were represented by Miss Callaghan of TC Young Solicitors. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 23 Sannox Drive, Saltcoats KA21 6JD. The applicant is Sanderson Properties (Glasgow) Ltd who is the heritable proprietor of the property and the registered landlord. The respondent is Ms Maxine Brown. The parties entered into a private residential tenancy in respect of the property which commenced on 23 August 2024. The rent was stipulated at £600 per month.

Throughout the duration of the tenancy the respondent has fallen into arrears of the contractual rental payments. The amount sought in this application initially was £3,600. A timeous Rule 14A amendment application was made. The increased the sum sought today has been adjusted to take into account a recent payment received. A total of £5,950.20 is now outstanding. The tribunal found this documentary evidence credible and reliable and attached weight to it.

In the application the applicants also seek interest at the rate of 8% per annum from the date of citation until payment. There is no contractual basis for this. 4% per annum and that is an appropriate rate of interest to be imposed by the Tribunal.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The respondent has not opposed the application and has made no time to pay application

The applicant relies upon ground 1 of schedule 3 to the 2016 Act. It is an eviction ground where the landlord intends to sell the property. The Directors of the applicant company are sisters. The property was inherited by them following the passing of their parents. They have inherited a large bill for outstanding and historical corporation tax due to be paid to HMRC. The applicants require to sell the property in order to pay this outstanding sum. Further, the applicants are no longer capable of managing the tenancy. One of the sisters is experiencing health difficulties. The tribunal was satisfied on the basis of the unchallenged evidence produced that it is the applicants' genuine intention to sell the let property.

The notice period was one of 84 days. The notice to leave is dated 28 May 2025 stating that the earliest an application be submitted to the tribunal would be 24 August 2025. There is evidence that Sheriff Officers serviced the notice on 30 May 2025. Sufficient statutory notice was given.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent has not opposed the application. She is known to be self-employed and has three children. A Section 11 Homelessness notice has been issued to the local authority. The respondent will be provided with alternate accommodation in the event of an eviction order being made. It is not reasonable to require the applicant to continue to make the property available for the respondent in the absence of rent being paid.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.

Richard Mill

13 April 2026

Legal Member/Chair

Date