



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/5190

Re: Property at 164 Kenley Road, Renfrew, PA4 8BP (“the Property”)

Parties:

Mr Rod McIver, 16 Crawford Drive, Glasgow, G15 6SN (“the Applicant”)

Mrs Natasha MacDonald, 164 Kenley Road, Renfrew, PA4 8BP (“the First Respondent”)

Mr Billy MacDonald, 164 Kenley Road, Renfrew, PA4 8BP (“the Second Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 20th January 2023 at a monthly rent of £1250, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondents by Sheriff Officer on 14th May 2026.
3. By email dated 5th June 2026, the Applicant representative lodged a rent statement showing arrears in the sum of £15000.
4. By email dated 9th June 2026, the First Respondent lodged an application for a postponement.

5. The Tribunal did not grant the request for a postponement.
6. By email dated 15th June 2026, the Applicant representative lodged a precognition from a neighbour of the Respondents.

The Case Management Discussion

7. A Case Management Discussion (“CMD”) took place by telephone conference on 17th June 2026. Ms Chloe Herd, Solicitor, was in attendance on behalf of the Applicant. The First Respondent was in attendance. The Second Respondent was not in attendance. The First Respondent said the Second Respondent was attending a hospital appointment and that she was representing him.
8. The Tribunal noted that the Second Respondent had not notified the Tribunal in advance that he was to be represented. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Second Respondent.
9. Ms Herd confirmed that the precognition lodged had been in respect of the First Respondent’s request for a postponement, and it was no longer relevant as the First Respondent was in attendance.
10. Ms Herd said the Applicant no longer wishes to be a landlord, and intends to sell the Property. The tenancy has caused the Applicant stress. This is his only let property and there is no mortgage on the Property. The rent arrears commenced in July 2025 and are now £15000. No proposals for payment have been made by the Respondents. The tenancy is not sustainable given the level of arrears.
11. The First Respondent said she was not opposing the order. The First Respondent is in contact with the local authority and other social housing providers, and has been deemed unintentionally homeless. The First Respondent said there is a current criminal case between her and the Applicant and she is not permitted to contact him to discuss payment of arrears. Responding to questions from the Tribunal, the First Respondent said the arrears have arisen as she is in significant debt and considering bankruptcy. Although the First Respondent is in receipt of Universal Credit, she is unable to pay the housing element to the Applicant due to her financial situation.
12. The First Respondent said she no longer wants to live in the Property due to the situation between the parties, which has affected her health. The First Respondent’s three children, aged 24, 18 and 16, live in the Property. There are health issues in respect of two of the children. One of the children attends school in the local area. The children are concerned at the prospect of eviction, as this has been their family home for ten years, but they understand

that they have to move to alternative accommodation. Private rented accommodation is not a possibility, as the First Respondent is not in employment. The family require a four-bedroom property.

13. The First Respondent said the Respondents are currently going through a relationship breakdown, and the Second Respondent will likely reside with his mother if an order is granted.
14. The First Respondent said the Applicant took over as landlord in 2023. No gas safety checks have been carried out since that time.
15. The First Respondent asked the Tribunal to grant an extension of four weeks to the period before which the eviction order could be executed.
16. Ms Herd said she was sympathetic to the Respondents' circumstances and asked the Tribunal to grant an eviction order with the usual timescale, submitting that it was reasonable to do so.

Findings in Fact and Law

17.

- (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 20th January 2023 at a monthly rent of £1250.
- (ii) Notice to leave has been served upon the Respondents.
- (iii) The Applicant intends to sell the Property.
- (iv) The Applicant is entitled to sell the Property.
- (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
- (vi) The Respondents have not paid rent for the Property since June 2025.
- (vii) The Respondents are in arrears in the sum of £15000.
- (viii) The tenancy is unsustainable.
- (ix) It is reasonable to grant an eviction order.

Reasons for Decision

18. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for

market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.

19. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
20. The Applicant no longer wishes to be a landlord. The Applicant has suffered stress during the tenancy. The Applicant is suffering financial loss as a result of the failure of the Respondents to pay the rent and arrears.
21. The First Respondent is not opposing the order. The First Respondent does not wish to remain in the Property. The First Respondent is suffering ill-health as a result of her ongoing situation. The First Respondent and her children are likely to be rehoused in social housing if an order is granted.
22. The Tribunal took into account the fact that there are three children in the Property, two of whom are 18 or over. The youngest child is in school in the local area. Granting an order is likely to impact upon the children, and, particularly the youngest child.
23. The Tribunal took into account the issue of rent arrears when assessing reasonableness. Although this was not a ground of eviction, the arrears are substantial and rising. The First Respondent is in financial difficulty and cannot afford to pay the rent or the arrears. Furthermore, the relationship between the First Respondent and the Applicant appears to have broken down to the extent that they are involved in a criminal court case. In these circumstances, the tenancy is not sustainable.
24. The Tribunal was unable to consider the impact of an eviction order upon the Second Respondent as he did not see fit to make any representations or attend the CMD to assist the Tribunal in this regard.
25. Taking all the factors into account, the Tribunal considered it likely that, if an order was not granted, the arrears would continue to rise, impacting upon the Applicant financially, and impacting upon the health of the First Respondent. These factors outweighed the considerations regarding the children, who will be affected by the granting of an order.
26. The Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to delay execution of the order for a further period of four weeks, particularly given the situation with the youngest child's exams.

Decision

27. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 17th August 2026.

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.

Ms H Forbes

Legal Member/Chair

Date: 17th June 2026