



**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/26/1686

Re: Property at 8E Anne Avenue, Renfrew, PA4 8RR (“the Property”)

Parties:

Mr Iqbal Kainth, 2 Hart Grove, Stowmarket, Suffolk, IP14 5YB (“the Applicant”)

**Ms Pauline Little or Collins, 8E Anne Avenue, Renfrew, PA4 8RR (“the
Respondent”)**

Tribunal Members:

Hilary Macandrew (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Eviction Order be granted.**

1) Background

By Application dated 16th April 2026 the Applicant sought an order Section 18(1) of the Housing (Scotland) Act 1988

- 1.1 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 7th May 2026.
- 1.2 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 1st August 2026.
- 1.3 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Tenancy agreement
- Notice to Quit
- Form AT6
- Section 11 Notice
- Rent spreadsheet
- Pre Action correspondence

1.5 A Case Management Discussion was set to take place on 22nd September 2026. Intimation was given to the Respondent by Sheriff Officers on 1st August 2026.

2) The Case Management Discussion ('CMD')

2.1 The CMD took place by tele conference on 22nd September 2026. Mr Devlin of Clarity Simplicity Solicitors represented the Applicant. The Applicant took part. The Respondent took part.

2.2 The Applicant sought the Eviction Order based on Grounds 11 and 12 of Schedule 5 of the Act.

2.3 Mr Devlin sought eviction. He confirmed that the Applicant was seeking eviction based on rent arrears. When the AT6 was served, and proceedings started, the arrears were £2,420.22. At the date of the Tribunal they were £2,750.00. He made reference to the rent arrears spreadsheet produced with the Application. The Applicant has 4 rental properties. His circumstances have changed in that he has divorced and remarried and moved to England. He is retired. It is difficult for him to manage the rental properties from a distance. He has a mortgage secured over his house in England and he would like to ultimately realise the capital from his rental properties to clear the mortgage and fund his retirement. He is suffering financially due to non-payment of rent. Pre Action correspondence had been issued by the Applicant to the Respondent and was lodged with the Application.

2.4 The Respondent told the Tribunal that she was not opposing the Application. She is not opposing the grant of an Eviction Order. She has health problems which make it difficult for her to manage the property. She wishes to move to be closer to family in Edinburgh. Her daughter is helping her make enquiries of housing agencies for a home in Edinburgh. She has lived in the property since 2014. She is single with no dependents living with her. She is in receipt of benefits. She believes the arrears have accrued due to an increase in the rent. She has already taken steps to start clearing the property. She asked the Tribunal for some more weeks to remove from the property.

2.5 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

- 3.1 The Contractual Tenancy Agreement commenced on 1st August 2014.
- 3.2 On 19th December 2025 a Notice to Quit was served on the Respondent bringing the tenancy to an end on 1st March 2026.
- 3.3 On 1st March 2026, the Statutory Assured Tenancy Agreement came into force. AT6 was served on the Respondent on 23rd March 2026 setting out that proceedings would not be raised before 7th April 2026.
- 3.4 The Notices was correctly drafted and provided sufficient Notice.
- 3.5 The Respondent was in arrears of rent at the time the form AT6 was served and at the time these proceedings were raised. The Respondent was in arrears at the date of the CMD. Grounds 11 and 12 were met.
- 3.6 The basis for the Order for possession was accordingly established.

4) Issue For The Tribunal

- 4.1 The issue for the Tribunal is to determine whether or not it is reasonable to grant the Order.
- 4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
- 4.3 The Tribunal found that the Applicant is entitled to recovery of the property. The Tribunal had regard to the level of rent arrears and the circumstances of the Applicant. The Tribunal had regard to the fact that the Respondent did not oppose the grant of the Eviction Order. She is struggling to manage the property and has already made plans to move closer to her family. She asked for some more weeks to remove. The Tribunal had regard to the Respondent's circumstances.
- 4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction. The tribunal was satisfied that it was reasonable to postpone the date for Eviction.

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.

**H Macandrew
Legal Member/Chair**

**22nd September 2026
Date**