



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/25/3072

Re: Property at 5/7, 15 Grafton Place, Glasgow, G1 2TD (“the Property”)

Parties:

Formally Mr David McGinness French Duncan LLP part of the AAB Group, 133 Finnieston Street, Glasgow, G3 8HB now Mr Surinder Sidhu (“the Applicant”)

Mr Danelius Rudaitis, 5/7, 15 Grafton Place, Glasgow, G1 2TD (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 14th July 2025. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 18th November 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 6th January 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 9th December 2025.

3. On 19th November 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 19th November 2025.
4. On 8th December 2025 the Respondent emailed the Housing and Property Chamber lodging a submission. This submission addressed his view in terms of the Applicant being able to raise the action, issues regarding the deposit, issues regarding mould in the Property and issues in terms of reasonableness.
5. On 6th January 2026 a CMD was held by teleconference. The Applicant was not present but was represented by Mr Craig Gardiner, Gardiner Waters Limited. The Respondent was present and represented himself. Mr Gardiner told the Tribunal that the named Applicant on the Notice to Leave and the application, David McGuinness French Duncan LLP, was no longer the Applicant. He had been appointed by the court to act as Trustee on behalf of the Accountant in Bankruptcy. Since the application was lodged Mr Sidhu, the Landlord, had paid all of these debts and full rights and title had returned to him. The Tribunal continued the CMD to allow parties to either request a substitution under Rule 32 or withdraw the application and start again. It was noted that all parties could seek further advice.
6. On 9th January 2026, all parties were written to with the date for the CMD of 5th March 2026 at 2pm by teleconferencing.

The Case Management Discussion

7. A CMD was held on 5th March 2026 at 2pm by teleconferencing. The initial Applicant was represented by Mr Craig Gardiner, Gardiner Waters Limited. The Landlord, Mr Surinder Sidhu was present and was represented by his daughter Ms Inderjip Sidhu. The Respondent was present and represented himself.
8. Mr Gardiner said that while he was not representing a party he had attended as he had dealt with the application from the beginning and was present to provide any information that the Tribunal may need. The Tribunal thanked Mr Gardiner for attending.
9. Mr Gardiner said that Mr David McGuinness French Duncan LLP, was no longer the Applicant. The Tribunal noted that this had been raised at the previous CMD and queried why this had not been actioned before now. Mr Gardiner said that he had just told Mr and Ms Sidhu about it. The Tribunal noted that it was in the CMD note. However, it could be done orally. Ms Sidhu motioned for the Mr Sidhu to be substituted, under Rule 32, as the Applicant which would remove the current Applicant who does not have title and interest. The Respondent had no objection to this. The Tribunal accepted this and changed the Applicant from David McGuinness French Duncan LLP to Mr Surinder Sidhu. Ms Sidhu will email all his details into the Housing and Property Chamber today. Both parties were asked if they needed the assistance of an interpreter. Both confirmed that was not required.

10. The Respondent does not oppose an order being granted. He cannot afford to live in the Property as it is a two bedroomed property. He does not dispute the arrears. Mr Gardiner confirmed that there have been no payments made since 3rd March 2025 and that the arrears are £11277.50. The Respondent accepted this point. The Respondent has issues regarding the Property such as an ongoing mould problem and that the deposit was incorrectly lodged. The Tribunal said that these were not an issue for it today. It would need another application regarding the deposit. The Tribunal asked if a Repairing Standards application has been lodged. The Respondent said it has not as he hopes to be able to leave the Property soon. Mr Gardiner noted that there has been £5000 of works done on the Property in terms of this issue with no maintenance issues reported since that point last summer when the work was completed.
11. The Respondent said that he is working with a housing officer at Wheatly Homes. He is hoping to be rehoused by them. Once he has confirmation that an eviction order has been granted he can take this to his local authority in terms of being rehoused under the homelessness legislation. The Respondent said that this process has affected both his physical and mental health. He would like further time to allow him to find alternative accommodation within social housing. Ms Sidhu opposed this as the arrears are high and there are still no payments being made. Tribunal asked about direct payment from the DWP. She was not aware that this could be undertaken. Her father has a portfolio of over 30 properties but has not had to deal with an eviction before.
12. The Tribunal was satisfied that it was reasonable to grant an order for eviction. The Tribunal did not consider it appropriate to supersede or suspend the Order as there are no payments being made to the rent account. It may delay the Respondent being rehoused by his local authority.

Findings and reason for decision

13. A Private Rented Tenancy Agreement commenced 1st September 2024. The Respondent has lived in the Property for on or around 10 years but the PRT was created when the Respondent's flatmate left the Property.
14. The Respondent persistently failed to pay his rent charge of £705 per month. The rent payments are due to be paid on first day of each month.
15. The Respondent has been in rent arrears for three or more consecutive months when the notice was served. There have been no payments made to the rent account since 3rd March 2025. The arrears are currently £11277.50.
16. The Respondent does not dispute the arrears or that the last payment to rent was made on 3rd March 2025.
17. The Respondent cannot afford to continue to live in the Property. He is looking to be allocated a property from a local housing association. He is working with a housing officer at that local housing association.

18. The Tribunal was satisfied that the Pre Action Requirements had been undertaken.
19. Universal Credit Housing Element is paid directly to the Respondent along with his Universal Credit payment. Direct payments have not been requested by the Applicant from the DWP to address the ongoing arrears.
20. There are no issues of reasonableness that prevent an order from being granted.

Decision

21. The Tribunal found that ground 12 has been established and granted an order in favour of the Applicant.

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.

G Miller

Legal Member/Chair

Date: 5 March 2026