



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/26/0521

Re: Property at PARTICKHILL ROAD, 60, FLAT 1, Glasgow, G11 5AB (“the Property”)

Parties:

Mrs Susan Malcolm, Coldrain House, Easter Coldrain, Kinross, KY13 0QW (“the Applicant”)

Ms Kirstie Girvan, PARTICKHILL ROAD, 60, FLAT 1, Glasgow, G11 5AB (“the Respondent”)

Tribunal Members:

Yvonne McKenna (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 that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application dated 2 February 2026 under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the Rules). The Applicant sought an order to evict the Respondent from the Property.
2. The Applicant lodged the following documents with their application:
 - copy of a private residential tenancy agreement (‘PRT’) between the parties in respect of the Property, which tenancy commenced on 21 December 2021 at a monthly rent of £1050.
 - rent increase notice increasing the rent to £1261.03 from 1 August 2025.

- copy notice to leave with evidence of service.
 - copy section 11 notice with evidence of service.
 - copy title deed for the Property.
 - rent statement.
 - pre-action requirement letters to the Respondent.
3. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
 4. Letters were issued on 3 June 2026 informing both parties that a CMD had been assigned for 6 July 2026 at 2pm, which was to take place by conference call. The letter and case papers were served by sheriff officers on the Respondent on 4 June 2026 by letterbox service.
 5. By email dated 1 July 2026, the Applicant lodged an updated rent statement showing arrears in the sum of £4805.15.

The Case Management Discussion (‘CMD’)– 6 July 2026

6. A CMD took place by teleconference on 6 July 2026. The Applicant was present on the call along with her husband Mr Malcolm as a supporter. They were represented by Ms Boyd trainee solicitor. The Respondent did not attend.
7. Ms Boyd invited the Tribunal to grant the order as sought. She said that the Applicant had not had any recent contact with the Respondent. The Applicant has made numerous attempts to engage with the Respondent and to understand why she is in arrears. A payment plan was put into place at the end of May 2026. This has not been adhered to by the Respondent.
8. Mrs Malcolm said that she had found the whole experience very stressful and it had been an extremely uncertain time. Even from the beginning of the tenancy, the Respondent did not have a clear payment structure in place for rent payments. Rent payment was delayed, or paid in part, from the outset. This situation had become increasingly worse. The Respondent had ignored everything since the rent arrears started to accumulate. She would not communicate with the Letting Agents or with her, the landlord.
9. She said that she had shown great tolerance and reasonableness in dealing with the Respondent, in carrying out repairs and providing her with a replacement washing machine. Even when essential engineer’s safety checks had been necessary, the Respondent had been unable or had refused, to engage with communication to allow this to take place. The procedure had taken a number of weeks to gain entry.

10. All payments received by the Letting Agents who have collected the rent, have been from the Respondent. No payments have been received by benefits payments.
11. The Respondent is believed to be a single person who resides in the Property alone. She was born in 1982. The Applicant met the Respondent on one occasion when she accompanied the Housing Officer to check flooring which was being replaced. The Respondent was working from home. The Applicant had told the Respondent personally that she wanted to be supportive to her and had encouraged her to speak to the parties' Letting Agents and to be open, honest, and communicative. She had agreed to do so but had not done so. The Respondent had been made aware of sources of help.
12. All in all, Mrs Malcolm feels she has been tolerant and sympathetic. The consequences of the Respondent's actions have taken their toll on her own mental health. She is not a commercial landlord. She rents out this one property which was her, "pension property", and has another property rented out as a holiday let which she owns along with her husband.
13. The rent arrears amount to £4805.15 as at today's date.

Findings in Fact

14. The Applicant is the heritable proprietor of the Property.
15. The Respondent is the tenant at the Property.
16. The parties entered into a PRT which commenced 21 December 2021 at a monthly rent of £1050.
17. Rent increase notices were made on 1 August 2024 to £1,146.39, and on 1 August 2025 to £1,261.03.
18. The Respondent has accrued rent arrears.
19. The Applicant served Notice to Leave dated 18 November 2025 on the Respondent by e-mail as provided for in the PRT.
20. The Respondent has been in rent arrears for more than 3 consecutive months.
21. The Respondent being in rent arrears is not as a result of a delay or failure in the payment of a relevant benefit.
22. The Applicant has complied with the pre-action protocol.
23. The Applicant served a section 11 Notice in terms of the Homelessness Etc Scotland Act 2003 to Glasgow City council by e-mail on 28 January 2026.

24. The respondent has not engaged with the Tribunal process.

Reasons for Decision

25. The Tribunal was satisfied it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.

26. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied on Ground 12 of the Private Housing (Tenancies)(Scotland) Act 2016. The rent statement lodged, together with the updated information provided by the Applicant, discloses that the Respondent has been consistently in arrears of rent since May 2025. The Respondent was in arrears of rent of three months or more at the time the Notice to Leave was served. She has now not paid any rent since May 2026 and has not been willing to communicate with the Applicant, or to adhere to the terms of a payment plan. This is placing the Applicant under considerable strain. She must still continue to meet her obligations as a landlord. The Respondent is failing to meet her primary obligation as a tenant to pay the rent due. She has failed to engage with the Tribunal process. The Tribunal was satisfied that the ground for eviction was established and that it was reasonable in all the circumstances to grant the order sought 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.

Yvonne McKenna
Legal Member/Chair

Date: 6 July 2026