



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/26/1463

Re: Property at Flat 2/1, 5 Jackson Place, Canniesburn, Glasgow, G61 1RY ("the Property")

Parties:

Ms Aruna Belendra, 4 Jackson Place, Bearsden, G61 1RZ ("the Applicant")

Mr Aziz Rashed, Flat 2/1, 5 Jackson Place, Canniesburn, Glasgow, G61 1RY ("the Respondent")

Tribunal Members:

George Clark (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application, dated 30 March 2026, the Applicant sought an Order for Possession of the Property under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act"). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, (arrears of rent over three consecutive months).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 20 February 2025 at a monthly rent of £1,250, a Notice to Leave dated 25 February 2026, advising the Respondent that the Applicant was seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 28 March 2026, and a Rent Statement showing arrears at 28 March 2026 of £5,650. The Applicant also provided a

copy of pre-action protocol letters to the Respondent dated 7 October and 27 November 2025, which signposted the Respondent to sources of possible help and assistance.

3. On 8 August 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 29 August 2026.
4. The Respondent did not make any written representations to the Tribunal in relation to the present application, but he did provide comments within his 103-page email relative to the conjoined rent arrears case and made an application for a Time to Pay Direction in relation to that application. His submissions were that the arrears arose through financial hardship, that his circumstances have improved and he is committed to paying £500 per month towards the arrears and that there had been confusion following a change of letting agent. He also made certain allegations of harassment and of his complaints being ignored. He expressly asked in those representations for the Tribunal to refuse the present application as an Eviction Order would be unreasonable.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 24 September 2026. The Applicant was represented by Miss Shannon Miller of Coda Estates, Glasgow. The Respondent was not present or represented.
6. Miss Miller told the Tribunal that no rent payments had been made since the date of the application, and the arrears of rent are now £11,900. She understood that the Respondent lives on his own in the Property. A number of attempts to agree a payment plan had been made but all had fallen through and, despite an offer to clear the arrears at £500 per month, the Respondent had not paid anything at all since February 2026.

Reasons for Decision

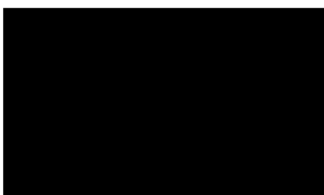
7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the Eviction Grounds named in Schedule 3 applies.
9. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and

that the Tribunal may find that Ground 12 applies if, at the beginning of the day on which the Tribunal first considers the application for an Eviction Order on its merits, the tenant is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on that day, and has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months, that the Tribunal is satisfied that the tenant's being in arrears of rent over that period is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order.

10. The Tribunal was satisfied that the Respondent has been in rent arrears for three or more consecutive months and that the current arrears exceed one month's rent. Accordingly, the only matter for the Tribunal to determine was whether it was reasonable on account of that fact to issue an Eviction Order.
11. The Tribunal noted that the arrears are substantial and longstanding, with no payments whatever since February 2026, by which time the arrears were already £4,400, only one year into the tenancy. The Tribunal also took into account the Respondent's submissions in the conjoined application regarding financial hardship, his proposal to repay the arrears at £500 per month, the change of letting agents and his allegations of harassment. Whilst the Tribunal noted these matters, it considered that they were outweighed by the extent and duration of the arrears and the absence of any payments since February 2026.
12. Having considered carefully all the evidence before it, the Tribunal decided that it was reasonable to issue an Eviction Order against the Respondent under Ground 12 of Schedule 3 to the Act.
13. The Tribunal's Decision was unanimous.

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.



Legal Member/Chair

Date: 24 September 2026

