

**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/26/1846

Re: Property at 10 1/2 Bouverie Street, Glasgow, G14 0PE (“the Property”)

Parties:

Amandeep Shahpuri, 13 Aberdour Road, Ilford, Essex, IG3 9SA (“the Applicant”)

**Peter McGeachy, 10 1/2 Bouverie Street, Glasgow, G14 0PE (“the
Respondent”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an order for eviction.**

Background

1. By application dated 24 April 2026 the applicant seeks an order for eviction, relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The application was conjoined with application reference FTS/HPC/CV/26/1847 seeking an order for payment in respect of rent arrears.
3. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to Leave with proof of service

- Pre-action correspondence with the respondent
 - Rent statement
 - Notice under section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. A case management discussion (“cmd”) was assigned for 8 October 2026. An updated rent statement was submitted on 21 September 2026.

Case management discussion – 8 October 2026- teleconference

5. The applicant was represented by Ms Wooley, solicitor, Bannatyne Kirkwood France & Co. The respondent was not present or represented. The Tribunal noted that Sheriff Officers had served papers at the respondent’s address on 11 August 2026. The Tribunal was satisfied that the respondent had received proper notice of the cmd and proceeded with the cmd in his absence.
6. Ms Wooley advised that as at the date of the cmd rent arrears had increased to £7,800. As the rent charge was £650 per month, this was equivalent to a year where no rent had been paid. Ms Wooley stated that after the notice to leave had been served there had been some contact between the respondent and the letting agents. He had stated that he would be moving out of the property or that he would commence payments however there had been no contact from him for an extended period. Ms Wooley stated that a property inspection took place in September when it appeared that the property was occupied, although the respondent was not present at the time.
7. Ms Wooley stated that the arrears continued to arise, with nothing paid towards the rent since September 2025. The applicant has a mortgage over the property. Mr Wooley stated that the property is a one bedroom property and as far as the applicant is aware the respondent resides alone in the property. The respondent has failed to engage with the applicant and in the circumstances it is reasonable to grant an order.

Findings in fact

8. Parties entered into a tenancy agreement with a commencement date of 12 September 2025.
9. The property is a one bedroom flat.

10. Monthly rent due in terms of the agreement is £650.
11. Arrears as at 8 October 2026 amounted to £7,800.
12. The respondent has not made any payments towards the rent or arrears since September 2025.
13. The applicant complied with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.
14. A valid notice to leave was served on the respondent on 11 February 2026.
15. The respondent has failed to engage with the applicant to address the rent arrears.
16. The respondent did not lodge any written defence and failed to attend the cmd to oppose an order for eviction being granted.
17. The applicant has an outstanding mortgage over the property.

Reasons for the decision

18. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision

19. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

20. The Tribunal was satisfied that having regard to the undisputed facts of the case it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

21. The Tribunal took into account the written and oral submissions and the various documents lodged by the applicant.

22. Ground 12 states:

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit and

(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

23. The Tribunal was satisfied on the basis of the rent accounts that had been lodged that the respondent had been in arrears of rent for a period in excess of three months.

24. In relation to the question of reasonableness the Tribunal determined that the correspondence sent to the respondent complied with the pre-action requirements. The respondent had regard to the email correspondence that had been lodged and accepted that the respondent had been provided with

information relating to the rent arrears and guidance on how to access assistance in compliance with the pre-action requirements on multiple occasions.

25. The Tribunal was satisfied that the arrears at the property amounted to £7,800 as at the date of the cmd. The respondent had not lodged any information which sought to demonstrate that the arrears were in any part due to issues with benefits.
26. The Tribunal took into account the information provided by Ms Wooley. The Tribunal noted the high level of arrears, which continued to rise and that no payments had been made by the respondent for a year.
27. The Tribunal gave particular weight to the fact that the respondent had not taken any steps to oppose the application or lodge a defence.
28. In the foregoing circumstances the Tribunal determined that it was reasonable to grant an order 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.

M-C Kelly

8 October 2026
Date