



**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/24/1391**

**Re: Property at 44 1/R, Nelson St, Largs, KA30 9AE (“the Property”)**

**Parties:**

**Mrs Ruth Campbell, 3 Foxes Green, Orsett, Essex, RM16 3JH (“the Applicant”)**

**Mr Gary Cassidy, 44 1/R, Nelson St, Largs, KA30 9AE (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

**Background**

[2] The Applicant seeks an Eviction Order under ground 12A of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*. The Application had called for a Case Management Discussion on 19 September 2025. The Tribunal had continued the Application to a Hearing and made a Direction that the Respondent was to fully set out the details of any defence to be relied on in writing. However nothing further was heard from the Respondent or from his representative.

## The Hearing

[3] The Application called for a Hearing by conference call at 10 am on 31 January 2025. The Applicant was represented by her letting agent, Mrs Laird. The Respondent was not present but was again represented by Mr Meek of Community Housing Advocacy Project. Mr Meek explained that the Respondent had failed to engage with him and he was not able to provide a legitimate reason as to why this was so. The Tribunal discussed again with Mr Meek the issues raised and noted that the Direction had not been complied with. Mr Meek attributed this to the lack of engagement. Mr Meek also explained that the Respondent knew about the Hearing today but was not in attendance. Ms Laird explained that the rent arrears are currently in the sum of £7,757. 78. She also explained the negative effect this situation is having on the Applicant's finances who now required to sell the Property to address substantial arrears on her own mortgage payments. Ms Laird explained that the Respondent had failed to stick to his own payment proposals and was frequently abusive to her colleagues when they had occasion to contact him.

[4] Having heard from parties and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

### Findings in Fact

- 1) *The Applicant let the Property to the Respondent under a Private Residential tenancy within the meaning of the Act which commenced on 1 April 2022;*
- 2) *The Respondent fell into rent arrears and the sum of £7,757. 78 is now lawfully due as arrears of rent by the Respondent to the Applicant;*
- 3) *The Applicant has made efforts to negotiate a payment plan and has signposted the Respondent to sources of financial support;*
- 4) *The Applicant competently served a notice to leave under ground 12 A of Schedule 3 of the Act. Ground 12 A was established at the date of service of the notice to leave and remains established as at today's date;*
- 5) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- 6) *The Respondent has failed to engage with the Tribunal process. The Respondent is thought to be a single adult living in the Property alone with no dependents or*

*special health needs. The Respondent has failed to follow through on previous offers of payment plans proposed by the Respondent himself.*

## **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal considered that the ground set out in the notice to leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order.

## **Right of Appeal**

[6] 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.

Andrew McLaughlin

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**Legal Member/Chair**

**31 January 2025**

**Date**