



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/24/0265

Re: Property at Flat 0/2 17 MacDuff Street, Glasgow, G31 4PN (“the Property”)

Parties:

Lowther Homes Limited, 25 Cochrane Street, Glasgow, G1 1HL (“the Applicant”)

Ms Jacqueline Edgar, Flat 0/2 17 MacDuff Street, Glasgow, G31 4PN (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Possession is granted in favour of the Applicant.

1. The Applicant is the Landlord of the property. The Respondent is the Tenant.
2. The Parties entered into a Tenancy Agreement whereby the Respondent agreed to pay the sum of £581.48 per calendar month to occupy the property, which increased over time.
3. The Applicant seeks an Order to recover the Property from the Respondent as the Respondent has accrued substantial rent arrears over a considerable period. The Respondent’s position was at the last CMD that the making of the Order would not be reasonable in all the circumstances.
4. A Case Management Discussion took place by teleconference on 7 June 2024 and again on 1 November 2024. The CMD was continued to a hearing which took place on 28 February 2025.
5. The Applicant was represented by Mr Adams, Solicitor. The Respondent was not present or represented. We waited until 1015 and established that the

Respondent had not contacted HPC to inform of a reason for non-attendance. We had regard to the overriding objective and decided that it was fair and just to proceed in her absence as she had been properly informed of the hearing.

6. The CMD notes of 7 June 2024 and 1 November 2024 are referred to for their terms.
7. Mr. Adams informed us that the Respondent has not adhered to the agreement made at the Discussion on 7 June 2024. At the CMD on 1 November 2024 she said that she had paid £1,200 on 1 November 2024. He checked this and established that she had not, in fact, made this payment.
8. A statement was made by witness Mr. Williams who was present at the hearing. We rely on that statement and the account given by Mr. Adams. This statement was served on the Respondent on 14 February 2025 and she has not disputed its content. Accordingly, we were satisfied that we had been misled and find that the payment was not made.
9. The arrears at 1 November 2024 stood at £9,553.68. At today's hearing they stood at £10,428.95. The Rent Schedule shows that no payments had been made since December 2024 and the account has been in more than 3 months arrears for many years.
10. We were satisfied that the Respondent had not adhered to the terms of the Trust Deed, that the arrears have been of a high amount over a considerable period. We had no material evidence before us to show that the making of an Order for Possession would not be reasonable.
11. Accordingly, we made the Order for Possession.

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.

L-A.Mulholland

28 February 2025

Legal Member and Chair