

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/EV/24/3737**

**Re: Property at 14 Moredun Street, Glasgow, G32 0AQ (“the Property”)**

**Parties:**

**Ms Janet Lindsay Clark, 18 Carroglen Grove, Glasgow, G32 0ER (“the Applicant”)**

**Mr Colin Gardiner, Mrs Ceejay Gardiner, 14 Moredun Street, Glasgow, G32 0AQ (“the Respondents”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and David Fotheringham (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined the following:**

**BACKGROUND**

1. By lease dated 24<sup>th</sup> April 2023 the Applicant let the Property to the Respondents. Rent is payable at a rate of £695.00 per calendar month.
2. The lease was in the form of what might be referred to as an “old style” short assured tenancy and, indeed, a notice in terms of s32 of the Housing (Scotland) Act 1988 – commonly referred to as a form AT5 – was served upon the Respondents. Having regard to the date of the lease, however, the tenancy requires to be dealt with as a private residential tenancy in accordance with the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

3. The Respondents fell into arrears of rent. No rental payments have been made by them since early in 2024. As a result, the Applicants forwarded letters to the Respondents advising them of the arrears of rent and providing appropriate information in accordance with the pre action protocol.
4. A notice to leave dated 5 July 2024 was served upon the Respondents. At that time the arrears of rent amounted to £2,780.00.
5. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
6. The Applicant raised proceedings before the Tribunal seeking an order for eviction under ground 12 of schedule 3 to the 2016 Act

## **THE CASE MANAGEMENT DISCUSSION**

7. A Case Management Discussion was assigned to be conducted by teleconference at 2pm on 25<sup>th</sup> April 2025. The Applicant was represented by Miss L Gordon of 24-7 Property Scotland Ltd. The Respondents did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondents. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs
8. Miss Gordon advised the Tribunal that arrears of rent now amounted to £7,645.00. No payments had been made by the Respondents since early 2024. The only payment received was on 24<sup>th</sup> December 2024. That payment was received following an application having been made on behalf of the Applicant to have the housing element of universal credit paid directly to the landlord. One single payment was received directly from the benefits agency. No further payments of any nature have been received since then.
9. Miss Gordon advised that the Respondents have completely failed to engage with the Applicant and with her organisation. In the circumstances, she has had no recent contact with them.
10. In relation to their personal circumstances, insofar as she is aware, the Respondents are married. She believes they have children but cannot be certain about either the number of children or the age of the children. She is not aware of any medical issues affecting either the Respondents or any

children they may have. The Property is not adapted in any way to take account of the needs of the Respondents or any children of the family. Miss Gordon is not aware of any failure or delay in the payment of any housing or other benefit giving rise to the arrears of rent.

11. In the circumstances, based on the information presented to the Tribunal, and in the absence of the Respondents, and in the absence of any submissions or other information being presented to the Tribunal on behalf of the Respondents, the Tribunal concluded that it is reasonable to grant an order for eviction.

## **FINDINGS IN FACT**

12. The Tribunal found the following facts to be established:-
- a) By lease dated 24<sup>th</sup> April 2023 the Applicant let the Property to the Respondents.
  - b) Rent is payable at a rate of £695.00 per calendar month.
  - c) The Respondents fell in to arrears of rent early in 2024. Since March 2024 only one payment has been received by the Applicant, that being received directly from the benefits agency.
  - d) A notice to leave was served on the Respondents.
  - e) A notice in terms of s11 of the Homelessness Etc. Scotland Act 2003 was intimated to the local authority.
  - f) As at the date of serving the notice to leave, and as at the date of the Case Management Discussion, the Respondents had been in arrears of rent for 3 or more consecutive months.
  - g) As at the date of the Case management discussion arrears of rent amounted to £7,645.00.

## **DECISION**

The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 2<sup>nd</sup> June 2025

## **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: Virgil Crawford

Date: 25<sup>th</sup> April 2025

