

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/0363

Re: Property at F1/2B, 24 Royal Crescent, Glasgow, G3 7SL (“the Property”)

Parties:

Mr Derek Probert, Flat 1-2, 9 Winton Drive, Glasgow, G12 0PZ (“the Applicant”)

Mr Michael Riding, F1/2B, 24 Royal Crescent, Glasgow, G3 7SL (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 16 April 2025 informing both parties that a CMD had been assigned for 17 June 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondent was invited to make written representations by 7 May 2025. No representations were received.

The case management discussion – 17 June 2025

4. The CMD took place by conference call. The Applicant was represented by Miss Niamh Kinane. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/0371. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that rent arrears have increased from £5,400 when this application was submitted to £9,900. The last payment made by the Respondent was in September 2024. The Applicant's representative has attempted to contact the Respondent on many occasions, without success. The Applicant's representative arranged a welfare check and Police Scotland attended at the Property and advised that there is evidence that someone is living in the Property. The Respondent is believed to be between 40 and 50 years old and lives alone at the Property. He was in employment when the tenancy started but his current employment status is unknown to the Applicant. The Applicant has no information to suggest that the Respondent is entitled to benefits and there is no indication that the Respondent suffers any vulnerabilities.
6. The Tribunal adjourned to consider the information provided. When the CMD reconvened, the Tribunal explained that the members found that the ground of eviction had been established and that it was reasonable to grant the order for eviction.

Findings in Fact

7. The parties entered into a private residential tenancy which commenced 26 October 2022.
8. The Applicant served Notice to Leave on the Respondent by email on 2 August 2024.
9. The Respondent has been in rent arrears for more than 3 consecutive months.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant complied with

the pre-action protocol. The Respondent did not join the conference call, nor did he lodge any written representations. There was no information before the Tribunal to suggest that the rent statement was not accurate. The rent arrears have increased significantly since this application was submitted. The tenancy appears to be unaffordable to the Respondent. The Tribunal was satisfied that the ground for eviction was established. In light of the information provided by the Applicant's representative, the Tribunal found that it was reasonable to grant the 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.

Nicola Irvine

Legal Member/Chair

17 June 2025

Date