



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

Reference number: FTS/HPC/EV/24/3528

Property: Flat 1/3, 99 Paisley Road West, Glasgow, G51 1LQ

Parties:

Southside Lettings (Scotland) Limited having its registered office at Southside House, 135 Fifty Pitches Road, Glasgow, G51 4EB
("the Applicant")

Mr Dean Boyle, residing at Flat 1/3, 99 Paisley Road West, Glasgow, G51 1LQ
("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)
Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

Background

1. The Applicant submitted an application for eviction of the Respondent from the Property (the eviction Application) and an application for a payment order for rent arrears (the payment Application). The Applications were accepted for determination and a Case Management Discussion (CMD) took place on 7 March 2025 at 14.00 by teleconference. The applicant was represented by their solicitor. The respondent represented himself.

2. On 7 March 2025 the respondent admitted that his rental was significantly in arrears and made a proposal to pay the monthly rental and to clear the arrears of rental by making instalment payments. The CMD was continued until 4 July 2025 to allow the respondent to clear the arrears of rental.

Case Management Discussion

3. A case management discussion took place by telephone conference at 10.00am on 4 July 2025. The Applicant was represented by Mr I Black of Mellicks, solicitors. The respondent was neither present nor represented.

4. On 6 June 2025 the respondent wrote to the tribunal saying that he had a competing work commitment and could not attend the CMD. He asked for a postponement. His request for a postponement was refused, and the respondent was asked to set out his position in writing. The respondent made no further contact with the tribunal.

5. The case file discloses that the respondent has been given timeous notice of the date, time and method of joining the hearing. We can justly determine this application in the respondent's absence.

Preliminary Matters

6. When the application was submitted, the applicant's name was Southside Factoring & Related Services Limited. On 30 April 2025 the applicant's changed their name to Southside Lettings (Scotland) Limited. On the applicant's unopposed motion, their designation is changed to accurately reflect their name as it is now registered at Companies House.

7. The applicant produces an up-to-date schedule of arrears of rental which discloses that the respondent has made payments to reduce the arrears. The applicant asks to amend the sum claimed by reducing the sum applied for to £2,559.50 in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.

Findings in Fact

8. The Tribunal made the following findings in fact:

(a) The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 29 October 2018. In terms of clause 7 of the tenancy agreement the respondent agreed to pay rental at the rate of £552.00 per month. The rental was increased to £567 per month from August 2023

(b) The respondent has allowed rent arrears to accumulate since September 2019. Between June 2024 and August 2024, he did not pay any rental. When the application was submitted there were rent arrears of £6,037.80.

(c) Parties made arrangements for instalment payments to clear the arrears. Even though the respondent made payments to reduce the arrears of rental he did not adhere to the agreed schedule of payment by instalments,

(d) When the CMD was continued on 7 March 2025 the tribunal recorded

The purpose of the adjournment is to allow the Respondent time to make the following payments as agreed:

a. By 28th March 2025, an additional lump sum payment of £2000, the normal rent as it falls due of £638.17 and an additional payment in terms of the payment arrangement already in place of £200, totalling £2838.17.

b. By 28th April 2025, the normal rent as it falls due of £638.17 and an additional payment of £500, totalling £1138.17;

c. By 28th May 2025, the normal rent as it falls due of £638.17 and an additional payment of £500, totalling £1138.17;

d. By 28th of each month thereafter, the normal rent as it falls due and additional payments of £500 towards the arrears, until the arrears are cleared.

(e) The respondent has made payments to reduce the arrears of rental, but he has not adhered to the payment plan agreed at the CMD on 7 March 2025. At today's date there are still rent arrears of £2,559.50

(f) On 10 April 2024 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 1 August 2024 the applicant submitted this application to the tribunal.

(g) At the date of application there were more than nine months arrears of rental. At today's date the rental is still 4½ months in arrears.

(h) The Applicant seeks recovery of possession of the Property in terms of Ground 12 of part 3 of schedule 3 to the 2016 Act. The rental was 9 months in arrears at the date the application was submitted. Rental is now 4½ months in arrears.

(i) The Respondent lives alone in the property. He has not properly engaged with the Applicant and has chosen not to explain why he has amassed significant arrears of rental. The respondent is in employment and is known to earn more than £2,000

per month. There are no known delays or failures in the payment of benefits, and the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers.

(j) It is not argued that it is unreasonable to grant an order for repossession of the property.

Reasons for the Decision

9. The Applicant seeks recovery of possession of the Property in terms of Ground 12 of schedule 3 to the 2016 Act. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

10. The Tribunal makes an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in terms of Ground 12 of schedule 3 to the 2016 Act is established.

11. In all the circumstances, it is reasonable to grant an order for possession.

12. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P. Doyle

Legal Member

4 July 2025

