



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/24/5549

Re: Property at 13 Grampian Avenue, Flat 1/2, Paisley, PA2 8DN (“the Property”)

Parties:

Mr Patrick Ford, Mrs Anita Ford, 154 Longhurst Lane, Mellor, Stockport, Cheshire, SK6 5PJ (“the Applicant”)

Mr Alan Whitehead, 13 Grampian Avenue, Flat 1/2, Paisley, PA2 8DN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gordon Laurie (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 Applicants seek an Eviction Order under ground 12 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 rent statements. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 10am on 19 June 2025. The Applicant was represented by their letting agent, Mr Stuart Girdwood. The Respondent was also personally present.

[4] The Respondent accepted that he had accrued rent arrears in the sum of £6,275.00 from a monthly rent of £325.00. The Respondent accepted there had been whole year periods where no rent was paid and made reference to suffering from drug addiction. The Respondent explained that he had been in employment for the vast majority of the time and was only out of work for a short number of weeks during the tenancy. He is currently working as motor mechanic. He lives in the Property alone and has his 9-year-old daughter stay with him on a shared care basis with an ex-partner. The Respondent did not oppose the Application and accepted that he had made bad decisions and caused the Applicants hardship. The Respondent said that he himself wanted out of the Property because he associated it with his bad decisions that he wanted to move away from. The Respondent did make reference to wanting to try and enter into some form of payment plan and had been told by Citizens Advice to offer £150.00 a week. This was no record of any such payments having been made and Mr Girdwood spoke of having been continually let down in such matters before. The Tribunal considered that the Respondent’s inability to pay rent was exposing the Applicants to ongoing financial harm and it was clear that the tenancy had failed as a result of the Respondent’s actions.

[5] 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 Applicants let the Property to the Respondent by virtue of a Private Residential Tenancy within the meaning of the Act;*
- 2) *The Respondent has accrued rent arrears in the sum of £6,275.00. There is nothing to suggest that these arrears will do anything other than increase. The Respondent lives alone albeit he has his 9-year-old daughter stay with him on a shared care basis. The Respondent is in full time employment but has long since stopped making regular rental payments. The non-payment of rent has a significant financial impact on the Applicant.*
- 3) *The Respondent accepts that an Eviction Order should be granted and he himself wishes to leave the Property.*

- 4) *The Applicants have made efforts to negotiate a payment plan and has signposted the Respondent to sources of financial support;*
- 5) *The Applicants competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established as at today's date;*
- 6) *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*

Reasons for Decision

[6] 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

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: A McLaughlin

Date: 19th June 2025