

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/24/5250

Property : 18 Goldcrest Court, Wishaw ML2 OJE (“Property”)

Parties:

Jahan Shah, 88 Carlisle Road, Hamilton ML3 7TX (“Applicant”)

Empire Property, 2 Stewarton Street, Wishaw ML2 8AN (“Applicant’s Representative”)

Thomas Bunch, 18 Goldcrest Court, Wishaw ML2 OJE (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 28 April 2021 (“Tenancy Agreement”); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 26 September 2024 (“Notice to Leave”) with covering email dated 26 September 2024; statement of rent arrears; correspondence indicating compliance with the pre-action requirements; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 26 September 2024. The Application was served on the Respondent by sheriff officer on 15 April 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 23 July 2025 by teleconference. Lisa Scott of the Applicant’s Representative was in attendance. The Respondent was not in attendance.

Ms Scott told the Tribunal that she had attended the Property the previous day and spoken briefly with the Respondent who told her that he was leaving the Property but had nothing arranged as yet as regards alternative accommodation. She said he told her "I only need a few weeks." Ms Scott said that the rent arrears are now £4,659.50. She said that since March 2025 universal credit is paying £440 per month in respect of rent and £39 towards the arrears. She said that as the monthly rent is £650 there is a shortfall each month. Ms Scott told the Tribunal that the Respondent had been working as a bus driver but she thought he may no longer be working. She said he is aged around 58 and lives in the Property alone. She said the Property has 2 bedrooms. She said she was not aware of the Respondent having any health or disability issues. In response to a question from the Tribunal Ms Scott said that the rent was increased from £489.25 per month to £650 with effect from 28 October 2024. She said the Respondent did not contest the rent increase.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 28 April 2021.
2. The Notice to Leave was served by email on 26 September 2024.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. The Applicant had complied with the pre-action protocol prescribed by the Scottish Ministers.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had

been established. The Tribunal had seen evidence of compliance with the pre-action requirements.

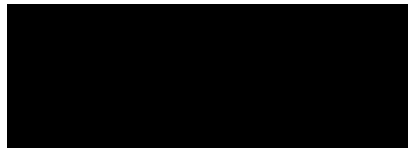
Having considered all of the circumstances, and in the absence of a submission on behalf of the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.



**Joan Devine
Legal Member**

Date : 23 July 2025