



**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 (“the Act”)**

**Chamber Ref: FTS/HPC/EV/25/0983**

**Re: Property at 59a Broad Street, Denny, Falkirk, FK6 6DX (“the Property”)**

**Parties:**

**Forth & Clyde Letting Ltd, 23 Main Street, Kilsyth, Glasgow, G65 0AH (“the Applicant”)**

**Mr David Corcoran, 59a Broad Street, Denny, Falkirk, FK6 6DX (“the Respondent”)**

**Tribunal Members:**

**Steven Quither (Legal Member) and Jane Heppenstall (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined to grant the order for eviction sought by the Applicant.**

**BACKGROUND**

1. This is an application to bring to an end a Private Residential Tenancy (“PRT”) between the parties in respect of the Property commencing 10 November 2023 with a rent of £495 per month. The Tribunal accepted the application by Notice of Acceptance of 31 March and a Case Management Discussion (“CMD”) was duly fixed for 6 August, both 2025.
2. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed Notice to Leave dated 10 January 2025 was served on the Respondent by email on the same date, based on the

Respondent's having then been in rent arrears for more than 3 consecutive months (Ground 12 of Schedule 3 of the Act) amounting to £899 rent arrears.

3. The pre-action protocol appears to have been complied with to some extent by notes contained in the Notice to Leave previously referred to and also by a letter emailed to the Respondent by the Applicant's representative (Landlord Specialist Services Scotland, Edinburgh "LSS") dated 26 February 2025.
4. As at 5 March 2025, when this application was lodged, there were outstanding rent arrears of £1423 ie just under a total of 3 months rent.
5. On the same date, the appropriate local authority was notified of the application in terms of s11 of the Homelessness etc. (Scotland) Act 2003.
6. Personal service of this application and associated documentation was made on the Respondent by sheriff officers on 19 June 2025.
7. By email of 28 July 2025, the Applicant's representative provided a rent statement to 10 July 2025, showing total rent arrears of £4043 and that the last payment of rent prior to the CMD had been made on 10 January 2025, ie more than 3 months previously.
8. Both parties lodged additional information for the Tribunal's consideration, the Respondent doing so on 15 July and the Applicant responding on 28 July, both 2025
9. At all times the Tribunal was aware that in relation to this eviction case, it required to be satisfied not only that the formal requirements regarding same had been complied with but also that it was reasonable to make the order for repossession.

#### **CASE MANAGEMENT DISCUSSION on 6 AUGUST 2025**

10. The CMD took place by teleconference and duly commenced shortly after 2pm. Mr Livingstone from LSS represented the Applicant.  
The Respondent attended also.
11. In his submission to the Tribunal and in response to questions then asked by the Tribunal, Mr Livingstone advised and confirmed:--
  - a) The Applicant was seeking an order for repossession of the Property based on the arrears now outstanding of £4043 and the rent statement lodged to 10 July showed that as at today's CMD, rent had been in arrears for 3 or more consecutive months;

- b) As at the date of serving the Notice to Leave on 10 January and then lodging the application on 5 March, both 2025, rent arrears had also been outstanding for 3 or more consecutive months; and
  - c) He was content for the Tribunal to make its decision based on this information and the information in the casefile and was seeking to have the order granted.
12. By way of response and in similar manner, the Respondent advised and confirmed:--
- a) He was not contesting the eviction as such but was seeking more time to obtain alternative accommodation, which he had been trying to achieve for some time now;
  - b) He was in regular contact with Falkirk District Council to that end and was classed as "Tier 2" priority, but had been advised it might take between 6 to 9 months on that tier to be rehoused;
  - c) A specific member of staff at the council was dealing with his case, was aware of today's proceedings and had asked him to provide an update as to the outcome;
  - d) So far as he was aware, he would be reallocated to "Tier 1" if he was evicted today, which would give him greater priority in being allocated council housing;
  - e) He had a 6 year old son, who stayed with him every Friday to Sunday and the Council was aware of this added responsibility;
  - f) He appreciated the difficult position he was in; and
  - g) He similarly was content for the Tribunal to reach its decision based on the information provided today and contained in the casefile.

### **FINDINGS IN FACT**

13. The Respondent is due and liable for arrears of rent up to 10 July 2025 of £4043 arising out of a PRT for the Property between the parties, commencing 10 November 2023.
14. The Respondent has been in rent arrears for three or more consecutive months.

## **REASONS FOR DECISION**

15. The Tribunal was satisfied that arrears of £4043 had accrued per the rent statement to 10 July 2025 and that the Respondent had been in rent arrears for 3 or more consecutive months.
16. That being so, and in the absence of any contrary argument or opposition, the Tribunal was of the view that Ground 12 founded upon by the Applicant in this application had been established.
17. The Tribunal considered the extent to which the pre-action protocol appeared to have been complied with but in view of the length of time the Respondent had been in arrears to some extent or another, (now well over a year), the arrears outstanding of £4043 and the acceptance of the position by the Respondent, the Tribunal considered it just and reasonable to grant the order sought.

## **DECISION**

18. To grant the order for eviction sought by the Applicant.

## **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.**

**SR QUITHER**

**6 AUGUST 2025**

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**Legal Member/Chair**

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**Date**