



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/25/0395

Re: Property at 3 Avon Drive, Linwood, PA3 3RF (“the Property”)

Parties:

Mr Surjit Singh, 11 Barnhill Drive, Glasgow, G77 5FY (“the Applicant”)

Miss Stacey Quin, 3 Avon Drive, Linwood, PA3 3RF (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Sara Hesp (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order against the Respondent be granted.

Background

1. This is an application for recovery of the Property. The application is dated 7 August 2024. The Applicant is seeking recovery under Ground 12, Part 3 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. This ground states that it is an eviction ground that the tenant has been in rent arrears for three or more consecutive months. The date and time of the Hearing was intimated to parties who were given the opportunity to make written representations and/or lodge productions.

Preliminary Matters

2. The case management discussion was held by audio conference on 8 August 2025. Mrs Jessica Fernando, solicitor, represented the Applicant who was not present. There was no appearance by the Respondent.
3. The tribunal noted that the details of the case management discussion had been intimated to the Respondent and it had a Sheriff Officer's certificate of intimation of service showing that this had been done on 9 July 2025.
4. The Legal Member outlined the purpose of a case management discussion and the terms of Rule 17 of the Chamber Rules:

Case management discussion

17.— (1) The First-tier Tribunal may order a case management discussion to be held—

(a) in any place where a hearing may be held;

(b) by videoconference; or

(c) by conference call.

(2) The First-tier Tribunal must give each party reasonable notice of the date, time and place of a case management discussion and any changes to the date, time and place of a case management discussion.

(3) The purpose of a case management discussion is to enable the First-tier Tribunal to explore how the parties' dispute may be efficiently resolved, including by—

(a) identifying the issues to be resolved;

(b) identifying what facts are agreed between the parties;

(c) raising with parties any issues it requires to be addressed;

(d) discussing what witnesses, documents and other evidence will be required;

(e) discussing whether or not a hearing is required; and

(f) discussing an application to recall a decision.

(4) The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision

5. Prior to the case management discussion, the Applicant had submitted updated rent statements, the latest of which showed the rent outstanding to be £5619.48 with the calculation of rent due to 3 August 2025. Mrs Fernando confirmed that this reflected the current level of rent arrears.

6. Mrs Fernando confirmed that the Applicant was seeking an order of eviction on the ground that the Respondent has been in rent arrears for three or more consecutive months as evidenced by the rent statements which had been submitted. She confirmed that the current monthly rental was £590.
7. Mrs Fernando said that, early in 2025, monthly payments of £545 from Universal Credit were commenced. She said that this meant that there was a monthly shortfall of £45 and the arrears were not being reduced.
8. Mrs Fernando said that the Respondent had not responded to any attempts by the Applicant's letting agent to have discussions about the rent arrears. She said that the Respondent had not engaged with them and had not allowed access for inspections of the Property.
9. Mrs Fernando submitted that there was no reason for a Hearing to be fixed and that the matter could be dealt with at the case management discussion.

Documents before the tribunal

- 10.1 Copy of the private residential tenancy agreement for the Property dated 16 March 2021 showing the commencement of the tenancy to be 12 March 2021 and the monthly rent to be £530. The tenancy agreement showed the tenant to be the Respondent.
- 10.2 Copy rent statement dated 30 January 2025 showing the rent outstanding on 3 January 2025 to be £4759.48.
- 10.3 Copy rent statement dated 4 July 2025 showing the rent outstanding on 4 July 2025 to be £5574.48.
- 10.4 Copy rent statement dated 1 August 2025 showing the projected rent outstanding at 3 August 2025 to be £5619.48.
- 10.5 Notice to Leave dated 31 July 2024 and delivered by email on the same day.
- 10.6 Notice to the local authority in terms of Section 11 of The Homelessness etc. (Scotland) Act 2003 dated 12 February 2025.

10.7 Print of Title Sheet for REN39099 (the Property).

10.8 Documents concerning the pre-action requirements.

Findings in Fact

11.1 The Applicant is a joint owner of the Property.

11.2 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 16 March 2021.

11.3 The start date for the tenancy was 16 March 2021.

11.4 The initial monthly rent for the Property was £530 per month and is currently £590.

11.5 The Applicant gave the Respondent Notice to Leave which was served on her on 31 July 2024.

11.6 The Applicant has given notice to the local authority in terms of Section 11 of the Homelessness etc. (Scotland) Act 2003.

11.7 The Respondent resides at the Property.

11.8 The rent arrears on 31 July 2025 were £4759.98.

11.9 On 8 August 2025, there were rent arrears of £5619.48.

Findings in Fact and Law

12.1 The Private Residential Agreement dated 16 March 2021 contains eviction grounds including Ground 12: "It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months."

12.2 The Notice to Leave which was dated 29 May 2024 referred to the Respondent being in rent arrears over three consecutive months which is being relied on by the Applicant as the reason for seeking recovery of the Property.

12.3 The Notice to Leave indicated that any proceedings for eviction would not be commenced prior to 2 September 2024.

12.4 As at the date of the Notice to Leave and the case management discussion, the Respondent is in rent arrears for three or more consecutive months.

The Law

The following are provisions of the Private Housing (Tenancies) (Scotland) (Act) 2016

Section 51: First-tier Tribunal's power to issue an eviction order

(1) The First-tier Tribunal is to 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.

(2) The provisions of schedule 3 stating the circumstances in which the Tribunal may find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.

(3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.

(4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order.

(introduced by section 51)

Schedule 3, Part 12

Rent arrears

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2) The First-tier Tribunal must find that the ground named by sub-paragraph (1) applies if—

(a) at the beginning of the day on which the Tribunal first considers the application for an eviction order on its merits, the tenant—

(i) is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on that day, and

(ii) has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months, and

(b) the Tribunal is satisfied that the tenant's being in arrears of rent over that period is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.

(5) For the purposes of this paragraph—

(a) references to a relevant benefit are to—

(i) a rent allowance or rent rebate under the [Housing Benefit \(General\) Regulations 1987 \(S.I. 1987/1971\)](#),

(ii) a payment on account awarded under regulation 91 of those Regulations,

(iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,

(iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,

(b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.

Discussion and Reasons

13. The tribunal had regard to the documentation which had been lodged by the Applicant.////

14. The rent statements showed that there have been arrears of rent since the commencement of the tenancy.

15. The Respondent had not engaged with the Tribunal process.

16. The documentation lodged by the Applicant evidenced that appropriate notice had been given to the Respondent and that the appropriate intimation had been given to the local authority in terms of the Homelessness etc. (Scotland) Act 2003. They also evidenced that the Applicant had complied with the necessary pre- action

requirements and had provided information to the Respondent with regard to where she might get assistance.

17. The tribunal considered if the requirements of Ground 12 had been met. There were arrears of rent of more than three months and the Respondent had been in arrears since 2021.

18. In considering whether or not it is reasonable to grant the order of eviction sought by the Applicant, the tribunal had to carry out a balancing exercise after considering the respective positions of the parties. It sought information from Mrs Fernando.

19. Mrs Fernando said that the Applicant was a portfolio landlord who relied on rent for his income. She said that the Property was burdened with a mortgage and that the Applicant was therefore financially disadvantaged by the level of arrears and the fact that the ongoing monthly rental was not being paid in full.

20. Mrs Fernando had limited information about the Respondent. She said that the Respondent lives in the Property with two or three children who are of school age. She said that she understood that the Respondent was in receipt of benefits. She said that, as far as she knew, there had been no issues with non-payment of benefits which would have led to the Respondent being unable to pay rent.

21. The Applicant had not received payment of rent which he was contractually entitled to receive.

22. The tribunal was required to balance the Applicant's position against that of the Respondent. It accepted that the Applicant is suffering financial disadvantage as a result of the non-payment of the full rent and the significant level of arrears.

23. Weighing matters, the tribunal considered that it was reasonable to grant the order of eviction.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order of eviction be granted.

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.

**Martin J. McAllister
Legal Member**

Date: 8 August 2025