

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 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/0845

Re: Property at 4B Houston Street, Greenock, PA16 8ND (“the Property”)

Parties:

Greenock and West Renfrew Property Company, 18 Nicolson Street, Greenock, PA15 1JU (“the Applicant”)

Mr Jonathan Pearson, 4B Houston Street, Greenock, PA16 4ND (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks 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 a rent statement. 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 2pm on 31 July 2025. The Applicant was represented by Mr Caldwell, solicitor.

The Respondent was not in attendance. The Respondent had refused to cooperate with the Sheriff officers tasked with serving the papers on him in that he had told them he had moved out of the Property but would not reveal his current address. He had however unequivocally stated to the Sheriff Officers on the phone that he had moved out “a few months ago” and “left the keys with a tradesman”. The Tribunal therefore decided to proceed in the absence of the Respondent as even though strictly speaking he had not received intimation of the papers, it was clear that he had expressed the view to Sheriff Officers that he considered himself no longer to live in the Property. The Tribunal did not find the idea of continuing this Application appealing given the Tribunal’s duty to deal with matters efficiently. The Tribunal therefore decided to deal with matters in the absence of the Respondent.

[4] Having heard from Mr Caldwell who confirmed that the Applicant was of the belief that the Respondent had vacated the Property, but had not formally terminated the tenancy and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the Property to the Respondent under a Private Residential tenancy within the meaning of the Act;*
- 2) *The Applicant has signposted the Respondent to sources of financial support;*
- 3) *The Applicant 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;*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- 5) *The Respondent has failed to engage with the Tribunal process or to respond to any of the Applicant or her agent’s correspondence. The Respondent considers himself to live elsewhere and to have moved out of the Property.*

Reasons for Decision

[5] 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

[6] 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.

Andrew McLaughlin

Legal Member/Chair

31 July 2025

Date