



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

Reference number: FTS/HPC/EV/24/4856

Order granted on 14 August 2025 in absence of the Respondents

Property: 36 Target Road, Airdrie, North Lanarkshire, ML6 9PY

Parties:

Robert Johnston and Lee Robert Johnston residing at 30 Oakbank Street, Airdrie, ML6 8LE
("the Applicants")

James McPherson and Andrew McPherson residing at 36 Target Road, Airdrie, North Lanarkshire, ML6 9PY ("the Respondents")

Tribunal Members:

Paul Doyle (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

Background

Summary of Discussion

1. The Applicants seek recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a

Tenancy Agreement, a Notice to leave, served on 24/04/2024, together with a notice under s.11 of the Homelessness (Scotland) Act 2003.

2 By interlocutor date 04/04/2025, the application was referred to this tribunal. On 01/07/2025 the First-tier Tribunal for Scotland (Housing and Property Chamber) served notice of referral on both parties, directing the parties to make any further written representations.

3. A Case Management Discussion took place before the Tribunal by telephone conference at 10.00am on 14/08/2025. The second Applicant was present and unrepresented. Neither of the respondents were present nor were they represented.

Findings in Fact

4. The Tribunal made the following findings in fact:

(a) The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 22/01/2022. In terms of clause 7 of the tenancy agreement the respondent agreed to pay rental at the rate of £430.00 per month.

(b) The Respondents have allowed rent arrears to accumulate since December 2023. When the application was submitted there were rent arrears of £4,630.00. Today, the rent arrears total £6,450.00.

(c) On 24/04/2024 the Applicants served a notice to leave on the Respondents in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 21/10/2024 the Applicants submitted this application to the tribunal.

(d) At the date of application there were more than ten months arrears of rental. At today's date the rental is 15 months in arrears.

(e) The Applicants seek recovery of possession of the Property in terms of Ground 12 of part 3 of schedule 3 to the 2016 Act. The rental was 10 months in arrears at the date the application was submitted. Rental is now 15 months in arrears.

(f) The Respondents are brothers. They are both in their 40s. One of the Respondents is in employment. Neither of the Respondents have any known vulnerabilities. Neither Respondent has properly engaged with the Applicants; they have chosen not to explain why significant arrears of rental have accrued. There are no known delays or failures in the payment of benefits, and the Applicants have complied with the pre-action protocol prescribed by the Scottish Ministers.

(g) It is not argued that it is unreasonable to grant an order for repossession of the property.

Reasons for the Decision

5. The Applicants seeks recovery of possession of the Property in terms of Ground 12 of schedule 3 to the 2016 Act. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

6. The Tribunal makes an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in terms of Ground 12 of schedule 3 to the 2016 Act is established.

7. In all the circumstances, it is reasonable to grant an order for possession.

8. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle
Legal Member

14 August 2025