

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 51 (1) and 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("The Act")**

**Chamber Ref: FTS/HPC/EV/24/0940 and FTS/HPC/CV/24/0937**

**Re: Property at Flat 11, 38 Falkirk Road, Bonnybridge, FK4 1BD ("the Property")**

**Parties:**

**C-urb 6 Ltd, Formerly Link Housing Association Ltd, Link House, 2c New Mart Road, Edinburgh, EH14 1RL ("the Applicant")**

**Mr Emile-Francois Cronje, Flat 11, 38 Falkirk Road, Bonnybridge, FK4 1BD ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Gordon Laurie (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Applications and in respect of Application with reference FTS/HPC/EV/24/0940 made an Eviction Order and in respect of Application with reference FTS/HPC/CV/24/0937 made a Payment Order in favour of the Applicant against the Respondent in the sum of £6,374.40.**

**Background**

**[2] The Applicant seeks an Eviction Order under Grounds 12 and 12 A of Schedule 3 of the Act and a Payment Order for the arrears of rent founded upon in the sum of £6,374.49. The Applications had called previously for a Case Management Discussion. The Respondent had appeared at that call and explained that he had recently being going through financial and health troubles and he did not want the Tribunal to make**

an Eviction Order. The Tribunal continued the Application to a Hearing and made Directions ordering the Respondent to take legal advice; establish and demonstrate his entitlement to state benefits; email the Tribunal a statement of his income and outgoings and provide evidence of any as of yet unfulfilled benefits entitlement and evidence of engaging with the Applicant and making genuine attempts to settle the rent arrears.

[3] Nothing further was heard from the Respondent. There was no response at all to the Direction received.

### **The Hearing**

[4] When the Application then called for a Hearing at 10am on 25 July 2025 in Glasgow Tribunals Centre, there was no appearance by or on behalf of the Respondent. Ms Dempster, Solicitor, was present on behalf of the Applicant together with the Applicant's own Ms Garwood. The Respondent had been properly notified of the Hearing. The Tribunal therefore proceeded in the absence of the Respondent.

[5] Having considered the relevant documentation and having heard from Ms Dempster and Ms Garwood, the Tribunal made the following findings in fact.

### **Findings in Fact**

- 1) *The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy within the meaning of the Act;*
- 2) *The Respondent has accrued rent arrears in the sum of £ 7,592.12. There is nothing to suggest that these arrears will do anything other than increase.*
- 3) *The Applicant has made efforts to negotiate a payment plan and has signposted the Respondent to sources of financial support;*
- 4) *The Applicant competently served a notice to leave under ground 12 and 12A of Schedule 3 of the Act. Ground 12 and 12A was established at the date of service of the notice to leave and remains established as at today's date;*
- 5) *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;*
- 6) *The Respondent has failed adequately to engage with the Tribunal. This reflects the Applicant's own experiences with the Respondent.*

## **Reasons for Decision**

[6] Having made the above findings in fact, in respect of Application with reference FTS/HPC/EV/24/0940 The Tribunal made an Eviction Order and in respect of Application with reference FTS/HPC/CV/24/0937, The Tribunal made a Payment Order in favour of the Applicant against the Respondent in the sum claimed of £6,374.40.

## **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.

Andrew McLaughlin

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Legal Member/Chair

25 July 2025  
Date