

**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 Section 51 and Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (“the 2017 Rules”)**

**Chamber Ref: FTS/HPC/EV/24/5680**

**Re: Property at 39 Maclean Square, Glasgow, G51 1TJ (the Property)**

**Parties:**

**Heinzsight Properties Limited incorporated under the Companies Acts (registered number SC119470), having its registered office at 31 Queens Square, Glasgow, G41 2BD, trading as Slugletting Company, 31 Queen Square, Glasgow, G41 2BD (the Applicant)**

**Ms Sarah Bolland, 39 Maclean Square, Glasgow, G51 1TJ (the Respondent)**

**Tribunal Members:**

**Ms. Susanne L. M. Tanner KC (Legal Member)**

**Mr. Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal):**

**(1)(i) was satisfied that Ground 12(1) in Schedule 3, Part 3 to the 2016 Act was established by the Applicant, in that on the day the tribunal considered the application for an eviction on its merits the Respondent was in rent arrears greater than one month’s rent and had been in arrears of rent for a continuous period of more than three consecutive months up to and including that day; (ii) that rent arrears were not wholly or partly a consequence of a delay or failure in payment of a relevant benefit; (iii) that it was reasonable to make an order for eviction in the circumstances of the case; and**

**(2) made an order for eviction in terms of Section 51 of the 2016 Act; and deferred the date for enforcement to 30 September 2025.**

**The decision of the tribunal was unanimous.**

## **Statement of Reasons**

### **Procedural Background**

1. On 10 December 2024, the Applicant's Representative made an application to the tribunal in terms of Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (the 2016 Act) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks the Respondent's eviction from the Property in terms of Section 51 and Ground 12 of Schedule 3 to the 2016 Act.
3. The Applicant provided the following documents in support of the Application:
  - 3.1. Private Residential Tenancy Agreement;
  - 3.2. Emails to the Respondent with pre-action notices;
  - 3.3. Notice to Leave based on ground 12, with proof of service by email;
  - 3.4. Rent statement; and
  - 3.5. Copy of Section 11 notice sent to the local authority.
4. The tribunal requested further information from the Applicant's Representative which was provided as follows:
  - 4.1. Proof of service of the section 11 notice; and
  - 4.2. Full details of the Applicant limited company.
5. The tribunal's administration obtained a copy of the Title Sheet for the Property on 12 December 2024, which showed that the Applicant has been registered proprietor since 8 December 2024.
6. The tribunal checked Landlord Registration Scotland which shows that the Applicant is the registered landlord for the Property.
7. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 12 August 2025 at 1000h.
8. The tribunal sent letters of notification to all parties dated 26 June 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The

Respondent was invited to make written representations in response to the Application by 17 July 2025. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair.

9. Service of the Application paperwork and notice of the CMD on the Respondent on at the Property was by Sheriff Officers on 27 June 2025.

10. On 17 July 2025, the Respondent submitted written representations.

### **CMD: 12 August 2025, 1000h, Teleconference**

11. Mr Barclay, director, attended on behalf of the Applicant.

12. Ms Bolland, the Respondent attended.

### **Respondent's submissions**

13. Ms Bolland accepts that rent arrears have arisen and stated she takes personal responsibility for this; but also outlined personal circumstances relating to her three children and asked for additional time to find suitable alternative accommodation for the family. She is seeking an extension to the date for enforcement of the order for eviction.

14. Ms Bolland said that she had been on the social housing register with two or three organisations since 2020. She stated that she has been a single parent for most of her life other than a short period living with a partner. During that time she has not been eligible for social housing. She said that it is a struggle to afford the rent. She works full time. Her income is topped up with universal credit. She receives about £1000.00 in benefits per month, with a housing element of £970.00. She has been receiving those benefits as normal every month. Since December 2024, the housing element has gone directly to the Applicant. In the time she has been in this Property she has continued to be on the social housing register. However, since she has moved into the Property, which is a four bedroomed house, the authority removed the overcrowding status, so that has changed her priority. She said that most of the housing associations will not offer a property to her because of rent arrears. She is now speaking with the homeless team at Glasgow City Council.

15. She is not paying anything towards rent arrears, or towards the shortfall in monthly rent after the universal credit part payment. She said that she is unable to offer to pay anything towards rent arrears, or ongoing rent because she is struggling to make ends meet.

### **Applicant's submissions**

16. Mr Barclay stated that the direct universal credit payments to the Applicant started in December 2024. The arrears as at 12 August 2025 are £9090.00 with another rent payment of £1450.00 due on 14 August 2025. Those figures takes account of the universal credit payments of £970.00 per month which have been made which do not meet the full rent falling due and leave a monthly shortfall of £480.00. Mr Barclay submitted an updated rent statement during the CMD.
17. Mr Barclay stated that the Applicant seeks the Respondent's eviction from the Property and submitted that it would be reasonable to make the eviction order. He is seeking an eviction order to be made with the usual period for enforcement. He stated that this dates back a year and the company cannot handle this level of debt. On several occasions the Respondent told Mr Barclay that she had sought third party advice about repaying the debt. He stated that he appreciates that her financial situation means that she cannot do so but that has consequences for the Applicant. He said that it all seems to revolve around her youngest child sometimes residing with his father so she does not get her four bedroomed Local Housing Allowance rate. He stated that she did not mention this at the outset and did not mention it before she signed the lease. Mr Barclay said that the company does not have a mortgage on the Property.
18. Mr Barclay stated that he thinks it is in Ms Bolland's interests to have the order for eviction as he thinks that that will help her to get other accommodation. He does not want a further delay in obtaining an order if possible and asked the tribunal to make the order today.

### **Respondent's submissions**

19. Ms Bolland accepted the rent arrears as at today's date are at the levels stated. She said that at the moment she has no offer to pay anything towards the rent arrears, or to pay any of the rent shortfall as it falls due.
20. Ms Bolland said that she has told Glasgow local authority about these proceedings. She is waiting for a caseworker to be designated. She has been told that that could not go ahead without an eviction order.

21. Ms Bolland requested additional time on the period for enforcement of an eviction order. She said that at the moment it is not looking like a good position for herself and her sons through social housing providers which she thinks would be better than private rented sector because the rent would be more affordable. She believes that if it is going to go through Glasgow City Council the wait for a home will be a long wait. She thinks that it would have to be a four bedroomed house. She has been told that it could take a year and that they may be placed in temporary accommodation before then. The council has not discussed what the temporary accommodation would be. She said that what she would like to do is try to secure another private let. She said that she would take a two or three bedroomed house just now which has much reduced rent. Her longer term plan would be to have enough priority for social housing.
22. Ms Bolland said that she thinks it is in her interests if an eviction order is granted today as she will then get priority status. Her worry is timescales and being placed in temporary accommodation and how it would affect her sons. She referred again to their personal circumstances which were also referred to in her written submissions. She stated that they have moved quite a lot over the last five years. She stated that children are due to go back to school this week and that she would like a couple of additional months if possible to move out of the Property.

**23. The tribunal makes the following findings-in-fact:**

- 23.1. The Applicant is the registered proprietor of the Property.
- 23.2. There is a private residential tenancy agreement between the Applicant and the Respondent for the Property which began on 14 May 2024.
- 23.3. Rent is payable at the rate of £1450.00 per calendar month in advance on 14<sup>th</sup> of each month.
- 23.4. On 11 December 2024, a Notice to Leave containing ground 12 of Schedule 3 to the 2016 Act was served on the Respondent.
- 23.5. As at 11 December 2024, the rent arrears were £3800.00 and there had been rent arrears for over three consecutive months.
- 23.6. The Applicant has given the Respondent at least 30 days' notice that it requires possession.
- 23.7. The Application to the tribunal was made on 10 December 2024.

- 23.8. As at 12 August, the rent arrears were £ 9090.00 and there have been rent arrears for more than three consecutive months.
- 23.9. A further rental payment of £1450.00 will be due on 14 August 2025.
- 23.10. Since December 2024, the Applicant has been receiving the Respondent's universal credit payments of £970.00 direct from the local authority. That leaves an ongoing rent shortfall of £480.00 per calendar month.
- 23.11. The Respondent is not paying the rent shortfall as it falls due.
- 23.12. The Respondent continues to reside in the Property.
- 23.13. The Respondent's three children live in the Property. One of her children lives part of the time with their other parent.
- 23.14. The rent arrears are not a consequence of delay or failure in payment to the Respondent of relevant benefits.
- 23.15. The Respondent has registered with the local authority and social housing providers to find suitable housing in the local authority or social rented sector for her and her children.
- 23.16. The Respondent is also looking in the private rented sector for a smaller property with a lower rent.

## **Discussion**

24. The order for eviction is sought in terms of Section 51 and paragraph 12(2) of Schedule 3 to the 2016 Act. The tribunal is satisfied that the facts required in paragraph 12(2) of Schedule 3 to the 2016 Act have been established.
25. In relation to reasonableness, reference is made to the tribunal's findings in fact. The Respondent is on benefits which only meet part of the rent and she has no proposals to pay the rent arrears or to meet her ongoing rental shortfall. There are substantial rent arrears which are increasing each month. She is seeking alternative housing from the local authority, in the social rented sector, or in a property on a lower rent in the private sector. Her priority status for local authority housing will change as a result of the order for eviction being made. She and her family will be offered temporary accommodation if a suitable permanent house is not available by the date for enforcement. The children are returning to school this week so whenever they move it will cause some disruption during the school year. The tribunal was satisfied that it was reasonable to evict the Respondent in the

circumstances of the case but to defer the date for enforcement to 30 September 2025 to provide some additional time to find another property and move.

### **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.**

# Susanne Tanner

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**Ms. Susanne L. M. Tanner K.C.  
Legal Member/Chair**

**Date: 12 August 2025**