

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 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/25/0889

Re: Property at Flat 0/3, 6 Thread Court, Glasgow, G40 1BD (the Property)

Parties:

PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (the Applicant)

Patten & Prentice LLP, Solicitors, 2 Ardgowan Square, Greenock, PA16 8PP (the Applicant’s Representative)

Mr Robert Scott, Flat 0/3, 6 Thread Court, Glasgow, G40 1BD (the Respondent)

Tribunal Members:

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

Mrs. Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

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.

The decision of the tribunal was unanimous.

Statement of Reasons

Procedural Background

1. On 28 February 2025, 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 of the 2016 Act under 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 dated 28 May 2024;
 - 3.2. Email to Mr Scott re pre action and Guidance notes dated 7 October 2024;
 - 3.3. Notice to Leave based on ground 12 and Guidance notes dated 6 November 2024; with proof of service by email;
 - 3.4. Rent statement as at 25 February 2025;
 - 3.5. Copy of Section 11 notice sent to the local authority dated 25 February 2025; and
 - 3.6. Email to Mr Scott re pre actions requirements dated 24 February 2025.
4. The tribunal's administration obtained a copy of the title deeds for the Property which show that the Applicant is the proprietor.
5. The tribunal requested further information from the Applicant's Representative which was provided as follows:
 - 5.1. A screenshot of the email sending notice to leave dated 8 November 2023; and
 - 5.2. Proof of service of the section 11 notice.
6. The tribunal confirmed on 3 March 2025 that the Applicant is the registered landlord with Landlord Registration Scotland.
7. The tribunal obtained the Title Sheet to the Property on 5 March 2025 which shows that the Applicant is the registered proprietor.
8. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 29 July 2025 at 1000h (with a CMD in a related civil application CV/25/0893).

9. The tribunal sent letters of notification to all parties dated 2 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 23 June 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.
10. Service of the Application paperwork and notice of the CMD on the Respondent on at the Property was by Sheriff Officers on 3 June 2025.
11. The Respondent did not submit any representations in the specified time period. The Respondent did not make any contact with the tribunal.
12. On 2 July 2025 and 28 July 2025 the Applicant's Representative submitted updated rent statements and sent a copy of each to the Respondent on the email address specified in the private residential tenancy agreement. As at 2 July the rent arrears were £5787.77; and as at 28 July 2025, the rent arrears were £5187.77.

CMD: 29 July 2025, 1000h, Teleconference

13. Mr O'Donnell attended from the Applicant's representative.
14. The Respondent did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing have been duly complied with and proceeded with the application upon the representations of the party present, in term of Rule 29 of the 2017 Rules.

Applicant's Representative's submissions

15. Mr O'Donnell referred to the updated rent statement which was lodged on 28 July 2025, with a copy sent to the Respondent. The current rent arrears are £5187.77. Mr O'Donnell's colleague did not receive any response from the Respondent.
16. Mr O'Donnell stated that according to the pre-tenancy application form completed by the Respondent dated 29 April 2024: the Respondent is aged 42 years old; there are two child occupiers aged 7 and 5 years old; the Respondent referred to his ex partner still living in the matrimonial home; and he was in full time

employment as a digital marketing manager. Mr O'Donnell stated that the Respondent did not specify whether the two children were to be in full time occupation of the Property. The start date of the tenancy was 28 May 2024. The arrears began to accrue from June 2024. There was a period of approximately six months without payment from between 28 May 2024 until 29 November 2024. Pre action correspondence was sent to the Respondent on 7 October 2024. Notice to Leave was served at the end of November 2024. The Respondent then started to receive partial universal credit. There may have been a change in employment circumstances but no further information has been provided by the Applicant to Mr O'Donnell in relation to that. Despite the Universal Credit payments, there was still a shortfall each month. Mr O'Donnell believes it is a mid market rent Property.

17. Mr O'Donnell stated that there were some further developments after the Application was made. In May 2025, the Respondent agreed with the Applicant's letting agents that full payment of rent plus £300 per month would be made. That was not adhered to although the Respondent paid £600 on 8 July 2025. The Respondent expects to receive £695 from universal credit plus £40.01 from universal credit (arrears). There will be a further rental charge due on 1st August. Mr O'Donnell was instructed that in May 2025, the rent had been increased. Mr O'Donnell did not have a copy of the notice for lodging. The higher rent from 1 May 2025 is £871.25.
18. Mr O'Donnell stated that the Applicant if orders are granted, the Applicant is prepared to enter into an informal arrangement with the Respondent to refrain from enforcement provided that the Respondent maintains payments at £300 per month (personally), together with £695 universal credit and £40.01 universal credit (arrears). Those payments taken together would result in a sum of £163.76 per month towards the arrears, in addition to rent falling due. Mr O'Donnell is seeking the orders and is not seeking a time to pay direction in relation to the payment order.
19. Mr O'Donnell stated that there is no information as to whether there was an event leading to rent arrears. Mr O'Donnell did not have any instructions about the Respondent's position in relation to the Application. As at 2 July 2025, when the first updated rental statement was submitted to the tribunal, the cover email from Mr O'Donnell's colleague stated that the Respondent was meeting his rental obligations. However, at that time, payments were being made at a lower amount than the rent due. That email of 2 July 2025 sought authority to increase the sum sued for in the civil application. The rent arrears have now decreased. The sum being sought in the civil application is £5187.77, which is the rent arrears as at 28 July 2025.

20. The tribunal makes the following findings-in-fact:

- 20.1. The Applicant is the proprietor of the Property.
- 20.2. There is a private residential tenancy agreement between the Applicant and the Respondent for the Property which began on 28 May 2024.
- 20.3. Rent is payable at the rate of £850.00 per calendar month in advance from the start of the tenancy to 1 April 2025; and at £871.25 per calendar month from 1 May 2025 onwards.
- 20.4. On 6 November 2024, a Notice to Leave containing ground 12 of Schedule 3 to the 2016 Act was served on the Respondent.
- 20.5. As at 6 November 2024, the rent arrears were £4,876.44.
- 20.6. The Applicant has given the Respondent at least 30 days' notice that he requires possession.
- 20.7. The Application to the tribunal was made on 28 February 2025.
- 20.8. As at 2 July 2025, the rent arrears were £5787.77.
- 20.9. As at 29 July 2025, there have been rent arrears for more than three consecutive months.
- 20.10. As at 28 July 2025, the Respondent was in arrears of rent of £5187.77.
- 20.11. The Respondent continues to reside in the Property.
- 20.12. There are two child occupants in the Property who are the children of the Respondent.
- 20.13. The rent arrears are not a consequence of delay or failure in payment to the Respondent of relevant benefits.
- 20.14. The Respondent has not opposed the application for eviction.

Discussion

21. 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.

22. In relation to reasonableness, reference is made to the tribunal's findings in fact. The Respondent has not opposed the application for eviction. He has not produced any defence. He has had the opportunity to obtain legal or housing advice. There is no evidence that he is on any relevant benefits or that there is any other reason why it would not be reasonable to evict him from the Property. The tribunal was satisfied that it was reasonable to evict the Respondent in the circumstances of the case.

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.

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

Date: 29 July 2025

Susanne Tanner