



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/0442

Re: Property at 1192 Edinburgh Road, Glasgow, G33 4BJ (“the Property”)

Parties:

SFH OPCO LIMITED, Alter Domus (UK) Limited, 10th Floor, 30 St Mary Axe, London, EC3A 8BF (“the Applicant”)

Ms Melissa Flavell, Mr Nathan Meikle, 1192 Edinburgh Road, Glasgow, G33 4BJ (“the Respondents”)

Tribunal Members:

Steven Quither (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined to grant the order for eviction sought by the Applicant.

BACKGROUND

1. This is an application to bring to an end a Private Residential Tenancy (“PRT”) between the parties in respect of the Property commencing 29 November 2023 and at a rent of £1475 per month.
2. The Tribunal accepted the application by Notice of Acceptance of 3 March and a Case Management Discussion (“CMD”) was duly fixed for 19 August, both 2025.
3. An associated application for payment of rent arrears, under Tribunal reference CV/25/0444, was considered along with this application.

4. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed Notice to Leave dated 4 December 2024 was served on the Respondents by email on the same date based on the Respondents having then been in rent arrears for more than 3 consecutive months (Ground 12 of Schedule 3 of the Act) amounting to £7833-35 rent arrears.
5. Pre-action protocol appears to have been complied with to some extent by notes contained in the Notice to Leave previously referred to and also by the terms of correspondence to the Respondents made available at the CMD, most notably letters dated 8 and 15 October, referred to (but not produced) in a further (undated) letter to the Respondents but, by its context, dating from October, all 2024, bringing to the Respondents' attention outstanding rent arrears and with advice and information as to how to attend to same, either by way of payment or taking further advice;
6. As at 3 February 2025, when this application was lodged, there were outstanding rent arrears of £10888-35 ie over 7 months rent.
7. On the same date, the appropriate local authority was notified of the application in terms of s11 of the Homelessness etc. (Scotland) Act 2003.
8. Letterbox service of this application and associated documentation was made on the Respondents by sheriff officers on 4 July 2025.
9. By email of 15 August 2025, the Applicant's representative provided a rent statement to August 2025, showing total rent arrears of £19948-35 and that the last payment of rent prior to the CMD had been made on 19 August 2024, ie 1 year ago.
10. At all times the Tribunal was aware that in relation to this eviction case, it required to be satisfied not only that the formal requirements regarding same had been complied with but also that it was reasonable to make the order for repossession.'

CASE MANAGEMENT DISCUSSION on 19 AUGUST 2025

11. The CMD took place by teleconference and duly commenced shortly after 10am, with only the Applicant's representative, Jacqueline McAinsh from Direct Lettings, 6-8 Melville Street, Edinburgh, in attendance

12. In her submission to the Tribunal and in response to questions then asked by the Tribunal, Ms McAinsh advised and confirmed:--

- a) She did not know why the Respondents were not in attendance, beyond advising that after some preliminary correspondence a while ago, they had not been in further communication for some time;
- b) Arrears were now £19948-35, to which sum she was seeking to amend any reference to rent arrears (which the Tribunal was content to allow under Rule 13 of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"));
- c) The Applicant was not aware in detail of any particular change of circumstances on the Respondents' part beyond some general mention some time ago of a change in personal circumstances. However, no further details had been provided and both Respondents were in employment and not claiming benefits, as best the Applicant was aware;
- d) The Respondents did not have children and had not brought any health issues to the Applicant's attention, such as to affect their ability to pay rent; and
- e) The question of arrears had been brought to the Respondents' attention during October 2024 when rent arrears were beginning to cause concern, per correspondence produced during the CMD, but rent had continued to be left unpaid.

FINDINGS IN FACT

13. The Respondents are jointly and severally due and liable for arrears of rent up to August 2025 of £19948-35 arising out of a PRT for the Property between the parties, commencing 29 November 2023. Their liability is joint and several, reflecting the terms of the PRT.
14. The Respondents have been in rent arrears for three or more consecutive months.

REASONS FOR DECISION

15. The Tribunal was satisfied that arrears of £19948-35 had accrued per the rent details produced by the Applicant to August 2025 and that the Respondents had been in rent arrears for 3 or more consecutive months.

16. That being so, and in the absence of any contrary argument or opposition, the Tribunal was of the view that Ground 12 founded upon by the Applicant in this application had been established.

17. in view of the length of time the Respondents had been in arrears to some extent or another, (with no rent whatsoever paid for a year) and the arrears outstanding of £19948-35, the Tribunal considered it just and reasonable to grant the order sought.

DECISION

18. To grant the order for eviction sought by the Applicant.

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.

SR QUITHER

Legal Member/Chair

19 AUGUST 2025

Date