



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

Chamber Ref: FTS/HPC/EV/24/4966

Re: Property at 19 Drimnin Road, Stepps, G33 6AT (“the Property”)

Parties:

Mr Liam Coyle, 10 Clossfoot Place, Moodiesburn, G69 0NF (“the Applicant”)

Mr Thomas Melville, 19 Drimnin Road, Stepps, G33 6AT (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. By application dated 29 October 2024 the applicant seeks an order for eviction, relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was conjoined with application reference FTS/HPC/CV/24/4967 in terms of which the applicant seeks an order for payment in respect of rent arrears.
2. The applicant lodged the following documents in advance of the case management discussion (“cmd”):
 - Copy tenancy agreement
 - Notice to leave

- Section 11 notice to local authority with
 - Rent statement from January 2023
 - Written submission from the applicant
 - Pre Action Requirement correspondence
3. On 8 July 2025 the respondent emailed written representations to the Tribunal.

Case management discussion – “cmd” 0 11 August 2025

4. A case management discussion (“cmd”) took place via teleconference on 11 August 2025. The applicant was represented by Ms Miller, Property Manager, Coda Estates. The respondent did not attend the cmd. The Tribunal clerk attempted to telephone the respondent on the morning of the cmd on the telephone number provided in the application form however the call was unsuccessful. The Tribunal was satisfied that the respondent had received proper notice of the cmd in terms of rule 24.1 and proceeded with the cmd in his absence in terms of rule 29.
5. Ms Miller sought an order for eviction. She referred to an updated rent account that had been submitted to the Tribunal which showed that arrears had risen to £4295 as at 10 August 2025. Ms Miller stated that the increasing rent arrears were impacting the applicant’s financial circumstances. She confirmed that the applicant was the joint owner of the property with his father Charles Coyle who was retired and had consented to the application being in the applicant’s sole name. Ms Miller referred to the written submissions that had been submitted by the applicant which set out the impact of the tenancy on the applicant and his family. Ms Miller stated that the applicant had sought to enter into a repayment agreement with the respondent however the respondent repeatedly defaulted in his rental payments. She confirmed that the rent had increased to £695 per month from April 2025 however it remained well below the market value rent of £990 per month. Ms Miller stated that there was an outstanding mortgage over the property which required to be paid. Ms Miller stated that the property had previously been rented by the respondent’s ex-partner. As far as Ms Miller was aware the respondent resided alone.
6. The Tribunal discussed the email received from the respondent on 8 July 2025. The respondent stated in the email that his difficulties in meeting his monthly

rent payments were related to a difficult relationship with a neighbour. The respondent stated that his life had been made extremely difficult due to the neighbour's conduct which had also impacted him financially. The email also referred to the respondent's personal difficulties arising from the loss of his mother and issues with access to his daughter. He stated that he was back on track, had been maintaining rental payments and wanted an opportunity to catch up and pay the outstanding arrears.

7. Ms Miller stated that the respondent had not been paying rent regularly. She stated that his payments were erratic. She stated that she had been aware that issues that had arisen with a neighbour however this had been a year ago and did not provide an explanation for the failure to make rental payments. Ms Miller stated that the respondent had told her that he was going on holidays abroad during the period when arrears had built up.
8. Ms Miller stated that the most recent contact from the respondent had been in June 2025 when he had stated that he would clear the arrears in full– this had not happened. She stated that the respondent had made promises to repay the arrears on a number of occasions which he had not kept. The applicant had provided enough opportunities to the respondent to address the arrears issue and now sought an order for eviction due to the impact that the arrears were having on his financial and personal wellbeing.

Findings in fact and law

9. Parties entered into a tenancy agreement with a commencement date of 10 September 2022.
10. Monthly rent due in terms of the agreement was £595.
11. Monthly rent increased to £695 from April 2024 following service of a valid rent increase notice.
12. Arrears as at 10 August 2025 amount to £4295.
13. The respondent has been in arrears of rent continuously since November 2023.
14. The applicant complied with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.
15. The respondent has failed to adhere to an offer to repay the arrears at the rate of £100 per month made in January 2024.
16. The respondent did not attend the cmd on 11 August 2025.

17. The respondent's last payment to the rent account was on 23 June 2025.
18. The respondent did not lodge any documentary evidence to support any defence of the application on the grounds of reasonableness.
19. There is an outstanding mortgage over the subjects. The respondent's failure to maintain payment of the rent charge has had detrimental effect on the applicants' financial circumstances.
20. The conduct of the tenant is a source of emotional and mental stress on the applicant and his family.

Reasons for the decision

21. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

22. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

23. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

24. Ground 12 states:

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit and

(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

25. The Tribunal was satisfied on the basis of the rent accounts that had been lodged that the respondent had been in arrears of rent for a period in excess of three months.
26. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against
27. The Tribunal determined that the correspondence sent to the respondent complied with the pre-action requirements. The Tribunal had regard to the email correspondence that had been lodged and accepted that the respondent had been provided with information relating to the rent arrears and guidance on how to access assistance in compliance with the pre-action requirements on multiple occasions.
28. The Tribunal gave significant weight to the fact that the respondent did not attend the cmd to oppose an order for eviction. The respondent had submitted written representations however these did not dispute the facts of the case. The

submissions sought to provide an explanation for the arrears arising and requested time to repay the sums due.

29. The Tribunal gave some weight to the fact that the respondent had indicated that he wished to have an opportunity to repay the arrears however set against that the Tribunal noted that the rent account had been in arrears since November 2023 and the respondent had failed to adhere to previously agreed arrangements. The Tribunal also gave weight to the fact that the arrears were increasing. The Tribunal noted in particular that even after the written representations had been submitted on 8 July 2025 the respondent failed to make a payment which led the Tribunal to question the credibility of the respondent's proposal.
30. The Tribunal took into account the respondent's personal circumstances as set out in his written representations however his failure to attend the cmd to provide additional information as to any ongoing issues limited the weight given to these factors.
31. The Tribunal gave significant weight to the contents of the applicant's written submissions which set out in some detail the financial impact that the rent arrears were having on the applicant and his father due to the outstanding mortgage and other outgoings associated with the property. The Tribunal also accepted the information provided by the applicant setting out the impact that the respondent's conduct was having on the applicant, his father and his family's personal wellbeing.
32. Taking the foregoing circumstances into account the Tribunal determined that it was reasonable to grant an order for eviction.

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.

Legal Member/Chair

Date: 11 August 2025