



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

Chamber Ref: FTS/HPC/EV/24/3167

Re: Property at 23 Bonkle Road, New Mains, ML2 9AR (“the Property”)

Parties:

Coatbridge Property Investments Limited, 40 Carlton Place, Glasgow (“the Applicant”)

Mr Michael Smith, 23 Bonkle Road, New Mains, ML2 9AR (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that (i) the Respondent has been in rent arrears for a continuous period in excess of three calendar months, (ii) it is reasonable to grant an eviction order, and (iii) the Private Residential Tenancy Agreement shall terminate on 29 September 2025.

Statement of Reasons

1. This Application called for a Case Management Discussion by teleconference call on 29 August 2025. The Applicant was represented by Mrs Barclay. The Respondent was not present or represented.
2. In this Application the Applicant seeks an eviction order. It contends that the Respondent is in rent arrears, and has been in rent arrears for a period in excess of three calendar months prior to the service of a Notice to Leave, and continuously since that Notice expired. It seeks eviction under ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

3. This Application previously called for a Case Management Discussion on 4 April 2025. At that time the Respondent was in arrears of £3,472. However, in advance of that CMD, parties had agreed a payment plan to address the arrears. In particular, the Respondent had agreed to pay £600 per month towards rent and arrears. The Respondent had been through a period of poor mental health, but wished to address his arrears. He required the tenancy so that he could maintain residential contact with his daughter.
4. When the case called on 29 August 2025, the Tribunal was advised that the Respondent had made two payments under the payment arrangement, but nothing since. The arrears had increased to £4,897. Mrs Barclay advised the Tribunal that the Property is a one-bedroom property. The Respondent is about 30 years old. He lives alone. The Property has not been adapted for him. The Applicant is not aware of the Respondent accessing local specialist services. The Respondent is employed by Enable Scotland. The Property is part of a letting portfolio of the Applicant. The Applicant has approximately 60 properties within its portfolio. There is mortgage lending over the Property. The Applicant is not aware of whether the Respondent has been in touch with the local authority about rehoming. However, Mrs Barclay spoke of receiving an email from the Respondent indicating that he intended to move out in mid-October 2025, and was moving in with his mother.
5. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, when making a Decision the Tribunal must have regard to the overriding objective to deal with proceedings justly, including the need to avoid unnecessary delay.
6. The Respondent previously appeared in these proceedings and accepted that he was in arrears. He was afforded time to get himself back onto a proper financial footing by addressing his arrears. Unfortunately, the initial promise of doing so has not worked out, and his arrears have instead increased since the first Case Management Discussion. He was aware that the Application was due to call again on 29 August 2025 and has chosen not to attend. In the circumstances, the Tribunal is satisfied that the Respondent does not dispute that the requirements of ground 12 for eviction are met. All that the Tribunal required to determine is whether it is reasonable to grant the order sought.
7. In all of the circumstances, the Tribunal unanimously determined that it was reasonable to grant the eviction order. The arrears continue to increase. No reason was provided by the Respondent why it would not be reasonable to grant the order in those circumstances.
8. For the purposes of section 51(4) of the 2016 Act, the Private Residential Tenancy between the parties will terminate on 29 September 2025.

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 Upton

29th August 2025

Legal Member/Chair

Date