

**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 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/0376**

**Re: Property at 45 Grants Avenue, Paisley, PA2 6AZ (“the Property”)**

**Parties:**

**Mr Paul McCann, 21 Forge Crescent, Bishopton, PA7 5FL, Trustee acting under the Sarah Marie McCann Will Trust (“the Applicant”)**

**Mr Alan Craig Cameron and Miss Julie Cameron, both 90 Nobleston Estate, Alexandria, G83 9DB (“the Respondents”)**

**Tribunal Members:**

**George Clark (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondents.**

**Background**

1. By application, dated 29 January 2025, the Applicant sought an Order for Possession of the Property under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, namely that the Respondents have been in rent arrears for three or more consecutive months.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 18 December 2023 at a monthly rent of £2,200 per month, payable by lump sum of £13,200 six monthly in advance, a Notice to Leave, dated 12 December 2024, advising the Respondents that the Applicant was seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 16 January 2025, five pre-action protocol letters dated between 6 November and 5 December 2024, signposting the

Respondent to sources of possible help and advice, and a Rent Statement showing arrears of £6,563.93 as at the date of the application.

3. The Applicant stated that the second payment of six months' rent was due on 17 June 2024. The Respondents asked to pay monthly, and this was agreed, but, whilst they paid in July and August 2024, they failed to make a payment in September. They made a payment in October 2024 but had paid nothing since then. The Property had belonged to the Applicant's late daughter and is held in trust for her two children. The Applicant is one of the Trustees, who have a duty of care and a responsibility to ensure the Trust fund is managed responsibly and correctly.
4. On 16 July 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 1 August 2025. The Respondents did not make any written representations to the Tribunal.
5. On 19 August 2025, solicitors acting for the Applicant advised the Tribunal that the Respondents have vacated the property but, as they have indicated they may challenge the eviction process as wrongful, the Applicant wished the Tribunal to issue an Eviction Order.

### **Case Management Discussion**

6. A Case Management Discussion was held by means of a telephone conference call on the morning of 28 August 2025. The Applicant was represented by Mr Matthew Currie of Jones Whyte Law, Glasgow. The Respondents were not present or represented.

### **Reasons for Decision**

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the Eviction Grounds named in Schedule 3 applies.
9. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, for three or more consecutive months, the tenant has been in arrears of rent and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order. In deciding whether it is reasonable to issue an Eviction Order, the Tribunal is to consider 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 the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers.

10. The Tribunal was satisfied that the requirements of Ground 12 had been met and the only question for the Tribunal was whether it would be reasonable to issue an Eviction Order. The Tribunal noted that the arrears are very high and longstanding and that the Respondents did not take up offers in a number of pre-action protocol letters to discuss a payment plan. They had also failed to provide any written representations or to appear at the Case Management Discussion to offer any reason why it would not be reasonable to issue an Order against them. The Tribunal accepted that it was unusual to issue an Eviction Order after tenants have vacated a property, but noted that, whilst they had not made any representations to the Tribunal, the Respondents had apparently indicated that they might challenge the process. Accordingly, it would be appropriate for the Tribunal to make a Decision on the application. The Tribunal accepted the view of the Applicant that Trustees have a duty to protect the trust assets and investments for the beneficiaries. Having considered all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.

### **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.**

George Clark

---

**Legal Member/Chair**

**28 August 2025**  
**Date**