



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/24/2987

Re: Property at 3/12 81 Miller Street, Glasgow, G1 1EB (“the Property”)

Parties:

Mr Wong Man Tat, 199-201 Maryhill Road, Glasgow (“the Applicant”)

Mr Hieu Xuan Tran, Mr Thanh Dat Tran, 3/12 81 Miller Street, Glasgow, G1 1EB; 3/12 81 Miller Street, Glasgow, G1 1EB (“the Respondents”)

Tribunal Members:

James Bauld (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted.

Background

1. By application dated 25 June 2024, the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. On 14 October 2024 the application was accepted by the tribunal and referred for determination by the tribunal.
2. A Case Management Discussion (CMD) was held on 11 April 2025. After the CMD, the tribunal issued a Note and a Direction requiring the applicant to lodge certain documents and additional information. The applicant complied with the Direction. Reference is made to the terms of the Note and Direction.

3. A hearing was set to take place on 26 September 2025 and appropriate intimation of that hearing was given to both the landlord and the tenants.

The Case Management Discussion

4. The hearing took place on 26 September 2025 via telephone case conference. The applicant was represented by his letting agent, Mr. Naveed Younas, from A&S Properties, 199-201 Maryhill Road, Glasgow. The respondents did not attend.
5. The tribunal asked various questions of the applicant's representative with regard to the application and the grounds for eviction contained within it.
6. The applicant's representative confirmed that he wished the order sought to be granted.

Findings in Fact

7. The Applicant and the Respondents as respectively the landlord and tenants entered into a tenancy of the property which commenced on 3 June 2021
8. The tenancy was a private residential tenancy in terms of the Act.
9. The initial agreed monthly rental was £795 and increased to £950 with effect from 3 September 2021..
10. On 9 May 2024 the applicant served upon the tenant a Notice to Leave as required by the Act. The Notice became effective on 11 June 2024.
11. The notice informed the tenants that the landlord wished to seek recovery of possession using the provisions of the Act.
12. The notice was correctly drafted and gave appropriate periods of notice as required by law.
13. The notice set out a ground contained within schedule 3 of the Act, namely ground 12 that the tenant had been in arrears of rent for three or more consecutive months.
14. Arrears had started to accrue in 2023 and at the date of service of the Notice to Leave amounted to £6,700.

15. At the date of the lodging of the application arrears amounted to £9,550
16. At the date of the CMD the arrears amounted to £17,200
17. At the date of the hearing the arrears amounted to £19,820
18. The tenants had been continuously in arrears from 2023 until the date of the hearing.
19. The basis for the order for possession was accordingly established.

Reasons for decision

20. The order for possession was sought by the landlord on a ground specified in the Act and properly narrated in the notice served upon the tenant.
21. The tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the landlord was entitled to seek recovery of possession based upon that ground.
22. The tribunal accepted the unchallenged evidence presented on behalf of the landlord with regard to the rent arrears. A rent statement was produced which set out the history of the arrears.
23. The ground for eviction under which this application was made is the ground contained in paragraph 12 of schedule 3 of the Act. The ground is that the tenant has been in arrears of rent for three or more consecutive months. When the 2016 Act was originally passed, that ground of eviction was mandatory, if the tenant was in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on the day of the hearing.. The tribunal was required by law to grant the eviction order if satisfied that the ground was established.
24. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact
25. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties
26. In this case the tribunal finds that it is reasonable to grant the order.

27. The level of arrears is extremely high, and it is unlikely that the arrears will ever be repaid. There is no suggestion that the tenants are making any attempt to meet the rent. The landlord's representative indicates that he believes the tenants are working. They are brothers aged approximately 21 and 23 years of age. The applicant's representative explained that shortly after the date of the CMD he met with the respondents and agreed a repayment plan for the arrears. The respondents agreed to pay £2000 per month to cover ongoing rent and to make payment to clear the arrears. No payment was made at all.
28. The applicant's representative indicated that no payments have been made by the respondent in a period approaching two years..
29. The landlord has complied with the matters set out in the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020. A repayment plan was agreed in April 2025 but the tenants failed to maintain it.
30. No explanation has been provided by the tenant regarding the arears. The respondents have lodged no written representations with the tribunal despite being offered the opportunity.
31. The tribunal was satisfied that the tenant had been in arrears for a period far in excess of three consecutive months. The level of arrears is extremely high. The respondents have failed to pay any rent for a period approaching two years. Arrears have doubled since the application was lodged. The ground for eviction was accordingly established and the tribunal found that it was reasonable in terms of the provisions of the 2016 Act to grant the order sought.

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.

James Bauld