



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 ("The Act")

Chamber Ref: FTS/HPC/EV/25/1136

Re: Property at Flat 27/7 Second Avenue, Clydebank, Glasgow, G81 3AB ("the Property")

Parties:

Mrs Fiona Dorman, Mr James Dorman, Flat 1, Melbourne House, Regent Street, Dalmuir, Clydebank, Glasgow, G81 3QU ("the Applicant")

Miss Kirsty Fitzsimmons, Flat 27/7 Second Avenue, Clydebank, Glasgow, G81 3AB ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order.

Background

[2] The Applicants seek an Eviction Order under ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”), by conference call at 10 am on 3 October 2025. The Applicants were personally present. The Respondent was not in attendance. The Respondent had received intimation of the Application and information about how to join the conference call by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] Having heard from the Applicants and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicants let the Property to the Respondent under a Private Residential tenancy within the meaning of the Act;*
- 2) *The Respondent fell into rent arrears and the sum of £ 12,555.00 is now lawfully due as arrears of rent by the Respondent to the Applicants;*
- 3) *The Applicants have signposted the Respondent to sources of financial support. The Respondent has agreed to repayment plans and then failed to stick to them. The Respondent has failed to pay any rent whatsoever since July 2023. The Respondent does not communicate or respond to the Applicants. The Respondent has attempted to intimidate the Applicants into not contacting her or approaching her.*
- 4) *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established as at today’s date;*
- 5) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- 6) *The Respondent has failed to engage with the Tribunal process or to respond to any of the Applicants or their agent’s correspondence.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that the ground set out in the notice to leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order.

Right of Appeal

[6] 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 McLaughlin

Legal Member/Chair

3 October 2025

Date