



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/25/1208

Re: Property at Flat 0/2, 40 Auchinlea Road, Glasgow, G34 9NL (“the Property”)

Parties:

Ms Helen Taylor, 16 Newcastle Road, Reading, RG2 7TR (“the Applicant”)

Mr Shaun Burns, 40 Auchinlea Road, Glasgow, G34 9NL (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property at Flat0/2, 40 Auchinlea Road, Glasgow, G34 9NL should be granted.

Background

1. This is an application by the Applicant for an order for possession in relation to an assured tenancy in terms of rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The tenancy in question is a Short Assured Tenancy of the Property granted by the Applicant in favour of the Respondent commencing on 23rd January 2015.
2. The application was dated 23rd January 2025 and lodged with the Tribunal on that date. The application relies upon a notice in terms of section 19 (also known as an “AT6”) of the Housing (Scotland) Act 1988 (“the Act”) dated 14th February 2025. Evidence of service of the notice by Sheriff Officers upon the Respondent on 17th February 2025 was included with the application.

3. The said AT6 relied upon grounds 11 and 12 of Schedule 5 to the Act:

Ground 11

Whether or not any rent is in arrears on the date on which proceedings for possession are begun, the tenant has persistently delayed paying rent which has become lawfully due.

Ground 12

Some rent lawfully due from the tenant—

(a) is unpaid on the date on which the proceedings for possession are begun; and

(b) except where subsection (1)(b) of section 19 of this Act applies, was in arrears at the date of the service of the notice under that section relating to those proceedings.

4. Evidence of a section 11 notice dated 18th March 2025 in terms of the Homelessness Etc. (Scotland) Act 2003 served upon Glasgow City Council was provided with the application.

The Case Management Discussion

5. A Case Management Discussion (“CMD”) took place by teleconference on 15th September 2025. The Applicant joined the conference call.
6. The Respondent did not join the CMD call. The Tribunal were satisfied that the Application, and details of the CMD, had been intimated upon the Respondent by Sheriff Officers on 5th August 2025. The Tribunal was satisfied that the Respondent had been given reasonable notice of the date, time and place of the CMD and that the requirements of rule 24(1) of the Rules had been duly complied with. In the circumstances the Tribunal proceeded with the application in accordance with rule 29 of those Rules.
7. At the CMD the Tribunal sought further information from the Applicant. The Tribunal was able to make findings in fact at the CMD based on the uncontested evidence which had been provided with the Application and at the CMD.

Findings in Fact

8. The Applicant and the Respondent entered into a Short Assured Tenancy Agreement in relation to the Property, dated 23rd January 2015. The original rent due to be paid by the Respondent, as tenant of the Property, was £450 per month. The rent due under the tenancy agreement has been increased during the term of the tenancy. The current rent due by the Respondent in terms of the tenancy agreement between the parties is £600 per month.
9. The Respondent has persistently delayed in paying the rent due under the tenancy. From 1st October 2016 the Respondent was in arrears of rent due to the Applicant. The Respondent cleared those arrears by January 2017 but thereafter fell into further arrears of rent by February 2017. The Respondent eventually cleared his arrears of rent again by July 2022. In November 2024 the Respondent again fell into arrears of rent.
10. The Applicant served a Form AT6 upon the Respondent by Sheriff Officers on 17th February 2025. The AT6 notice relied upon both Grounds 11 and 12 of Schedule 5 of the Act. The AT6 gave the Respondent notice that proceedings would not be raised before 4th March 2025. The Respondent was provided with sufficient notice that the Applicant sought to evict under the ground set out in the AT6.
11. At the date of service of the AT6 the Respondent had accrued rent arrears in the sum of £800. Those arrears had reduced to £500 by the date the Application to this Tribunal was made.
12. By the date of the CMD the Respondent had again cleared his rent arrears. As at the date of the CMD no rent arrears are due by the Respondent to the Applicant.
13. The Respondent persistently delayed paying rent throughout the period of the tenancy agreement which and which had become lawfully due.
14. Some rent lawfully due from the tenant was unpaid on the date on which this application was made, and the Respondent was in arrears of rent at the date of the service of the AT6 notice.
15. A section 11 notice in the required terms of the Homelessness Etc. (Scotland) Act 2003 was served upon Glasgow City Council on 18th March 2025.
16. The Applicant has served letters upon the Respondent in compliance with the Rent Arrears Pre-Action requirements in which they have confirmed the level of rent arrears due by the Respondent and provided advice to the Respondent as to where the Respondent could seek advice and support. The Respondent had failed to communicate with the Applicant in relation to the rent arrears when those have been due.
17. The Applicant has been put to considerable inconvenience in her attempts

to correspond with the Respondent on those occasions when rent arrears are due. The Respondent does not willingly respond to the Applicant's reasonable enquiries about his proposals to pay his rent and arrears of rent.

18. The Respondent lives alone at the Property.

Reasons for Decision

19. The Application relies upon a Form AT6 served upon the Respondent. That AT6 gave notice to the Respondent that the Applicant intends to apply to the Tribunal for an Order for possession of the house, in terms of Ground 11 and 12 of Schedule 5 to the 1988 Act.
20. The Tribunal are satisfied that the Applicant has served a valid Notice of proceedings for possession upon the Respondent under section 19 of the 1988 Act. The Tribunal are further satisfied that the Respondent has previously persistently delayed in paying the rent due, although as at the date of the CMD the Tribunal noted that the Respondent was not in arrears of rent and had not been so since April 2025.
21. Section 18 of the 1988 Act requires the Tribunal to consider whether it is reasonable to grant an order for eviction.
22. The Tribunal are satisfied that it is reasonable to grant an order of eviction. The Applicant has made reasonable efforts to engage with the Respondent in relation to the Respondent's failure to pay the rent due timeously. The Respondent has failed to respond to the Applicant on these matters in any substantive manner. Although the Respondent is not in arrears of rent as at the date of the CMD he has persistently delayed in paying his rent for long periods throughout the term of the tenancy between the parties. The Applicant is entitled to have the rent paid on time in accordance with the provisions of the tenancy agreement between the parties. The Applicant has made efforts to be supportive of the Respondent when arrears have arisen, but the Respondent has paid rent due in an erratic manner and not in accordance with the terms of the tenancy agreement between the parties. The Respondent has chosen not to provide written submissions or to appear at the CMD in relation to the Application. The Application is uncontested.
23. The Procedure Rules allow at rule 17(4) for a decision to be made at CMD as at a hearing before a full panel of the Tribunal. We were thus satisfied to grant an order for possession relative to rule 65.

Decision

24. In all the circumstances, we make the decision to grant an order against the Respondent for possession of the Property under section 18 of the

Housing (Scotland) Act 1988.

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 Cowan

Legal Member/Chair

Date: 15/09/2025