



**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**

Chamber Ref: FTS/HPC/EV/24/3935

Re: Property at 1/4 146 Copland Road, Glasgow, G51 2UB (“the Property”)

Parties:

**Mr Peter Aitchison, Mr Andrew Wiseman, 1/1 5 Whitehill Gardens, Dennistoun,
Glasgow, G31 2PR (“the Applicant”)**

**Ms Martina Markovic, 1/4 146 Copland Road, Glasgow, G51 2UB (“the
Respondent”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Ann Moore (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an order for eviction. The Tribunal determined
that it was reasonable to suspend enforcement of the order until 12 January
2026.**

Background

1. By application accepted on 12 September 2024 the applicants seek an order for eviction relying on ground 12 (3 months consecutive rent arrears) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was conjoined with application reference FTS/HPC//24/3935 in terms of which the applicants seek an order for payment in respect of rent arrears.

2. The applicants lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent statement for the duration of the tenancy agreement.
 - Notice to leave with proof of service
 - Section 11 notice
3. A case management discussion (“cmd”) took place via teleconference on 22 April 2025. The applicants were represented by Ms Haughie from 1-2-1 Let Letting agents. The respondent was represented by Ms Sloey, solicitor, Govan Law Centre.
4. Ms Sloey accepted that the arrears were due however she stated that the application was opposed and requested a hearing on the grounds of reasonableness.
5. The Tribunal fixed an evidential hearing to consider reasonableness. The Tribunal set out in a note issued after the cmd that the respondent should lodge any medical evidence and evidence relating to her financial circumstances, eligibility for benefits and any other personal circumstances that are relevant to the issue of reasonableness. The applicants were advised to lodge evidence to show compliance with the pre action protocol.
6. Prior to the hearing the applicants submitted an updated rent statement up to 15 September 2025 and correspondence with the respondent.

Hearing – teleconference – 23 September 2025

7. A hearing took place on 23 September 2025 at 10am. The applicants were again represented by Ms Haughie from 1-2-1 Let Letting agents. The respondent appeared on her own behalf.
8. The Tribunal heard from parties regarding a request to postpone the hearing prior to the hearing commencing.

Adjournment request

9. At 5pm on 22 September the respondent emailed the Tribunal requesting that the hearing the following day be postponed. She stated:

I am having a tribunal hearing tomorrow and after enquiring found out I lost my legal representation. They claim to have sent letters which I have

never received. My appointed lawyer has left altogether. It was explained to me that everything takes a long time and I trusted them. Also I was told I can explain my situation at the tribunal and I gave them permission to access my medical records. I need a new legal representative and if possible a new tribunal date Also I am working on a solution with the letting agency to settle my rent arrears in a reasonable time frame. Unfortunately I have another chest infection which makes things a bit harder.

10. The respondent had submitted an email to the Tribunal from her former legal representatives dated 22 September stating:

Dear Ms Markovic I understand that you have contacted our office this afternoon to discuss your case. We wrote to you on 14 August and 27 August to inform you of the hearing tomorrow, and to request your urgent instructions by 04 September 2025 at the latest. We wrote to you again on 05 September to advise that we were no longer in a position to represent you at the hearing as you had not been in touch, and to let you know that we had no choice but to withdraw from acting for you. We have notified the Tribunal that we are no longer representing you.

11. The respondent stated that she sought a postponement in order that she could make payments towards the arrears. She stated that she had a background in antiques having trained at Sotheby's and had furniture which she could sell for approximately £10,000 - £12,000 which would repay her debt. The respondent stated that she did not receive the correspondence referred to by her solicitor. She stated that she had no knowledge of the legal system. She stated that she had long covid and had been unwell since the covid.
12. Ms Haughie strongly opposed the request to adjourn the hearing. She referred to the rent statement that had been submitted which showed that the respondent had made no payments towards her rent account since the case management discussion in April. The arrears had increased to £9215. She stated that the respondent had not made any payment to the rent account since September 2024. If the case was further adjourned the arrears would continue to rise. Ms Haughie stated that the letting agents had made attempts to contact the respondent to discuss her situation and the hearing. She stated that most recently they visited the respondent on 11 September 2025. The hearing was

discussed at the visit. Ms Haughie stated that the respondent would have been aware that the hearing was happening after that visit.

13. The Tribunal adjourned to consider the request to postpone the hearing. The Tribunal gave weight to the respondent's request for an adjournment to obtain legal advice. She stated that she had no knowledge of Tribunal procedure and was in poor health. She also stated that she would make payments towards the arrears in the event the hearing was postponed. However, against that the Tribunal accepted that based on the rent statement that had been submitted the respondent had paid nothing towards her rent since the cmd in April and before that since September 2024. The Tribunal noted that the respondent's legal representative had emailed the Tribunal on 5 September to advise that they were withdrawing from acting. They had also written to the respondent on that date. She had been told by the applicants' representative on 11 September 2025 that the hearing was taking place. The respondent had not submitted any of the documents requested in the cmd note. The Tribunal found the respondent to be articulate and able to participate in the hearing.
14. The Tribunal had regard to the overriding objective set out in rule 2 in particular the requirement to ensure, so far as practicable, that the parties are on equal footing procedurally and are able to participate fully in the proceedings.
15. The Tribunal also had regard to rule 28 which states:

28.—(1) The First-tier Tribunal at its discretion may, on its own initiative or on an application by a party, at any time, adjourn or postpone a hearing.

(2) Where a party applies for an adjournment or postponement of a hearing, that party must—

(a) if practicable, notify all other parties of the application for an adjournment or postponement;

(b) show good reason why an adjournment or postponement is necessary; and

(c) at the direction of the First-tier Tribunal produce evidence of any fact or matter relied on in support of the application for an adjournment or postponement.

(3) The First-tier Tribunal may only adjourn or postpone a hearing at the request of a party on cause shown.

15. The Tribunal considered that the respondent's failure to make any progress in addressing the level of arrears was a weighty factor as arrears continued to rise. The respondent did not dispute the level of arrears. In the circumstances a further delay would prejudice the applicants. The Tribunal also gave weight to the fact that even if it was accepted that the respondent had not received letters from her legal representative, given that she had been aware of the hearing she had a responsibility to engage with her legal representative to check regarding preparations which she did not appear to have done. The request to postpone was refused.

Oral evidence at the hearing

16. Summaries of the oral evidence and submissions heard at the hearing are undernoted. For the avoidance of doubt it is not a verbatim record and focuses on the areas relevant to the application and in particular areas of dispute between the parties. Parties were given the opportunity to cross examine witnesses.

Evidence from the respondent

17. The respondent stated that she had moved into the property in June 2022. She had previously lived in a flat around the corner. She was originally from Austria and due to her immigration status had not been awarded settled status post Brexit. This meant that she was not able to access social security benefits. The respondent stated that she had brought £60,000 to Scotland however that money was all gone. She stated that she is a self-employed wine importer. She had set up a business when she moved to Scotland. She stated that she suffered from a respiratory illness and stated that it may have been caused by covid. She had become ill in July 2023. Her illness was serious and had affected her ability to work and earn an income. She stated that there was no point in going to her Doctor again as her illness is very difficult to diagnose. She stated that she had previously taken a large amount of antibiotics and did not have faith that any correct diagnosis would be made.

18. The respondent stated that she had been advised to speak to an immigration lawyer to apply for settled status, however she had not yet done that. She stated that she had not been able to reach the lawyer who she had been told to

contact. She stated that the work would have to be done pro bono as she could not afford to pay.

19. The respondent stated that she had recently applied for assistance from a local charitable fund and was hopeful that she might receive a small regular payment from them to cover basic living costs.
20. The respondent referred to a number of other medical issues she had been affected by including a kidney infection, back issues and an issue with her eyesight.
21. The respondent stated that she planned to claim unemployment benefits in Austria. She would then use that money to cover her living costs in Scotland. She estimated that unemployment benefit in Austria was £1200 per month. She stated that she intended to travel to Austria to claim the relevant benefit.
22. The respondent stated that she is 60 years old. She resides alone. She receives some support from GalGael Trust. She has contact with them and has worked with a community link worker which she stated had helped her immensely. She had not discussed the eviction process with them and did not think they would be able to help with that. She stated that after her chest infection cleared up she intended to start working again.
23. The respondent raised issues with the condition of the property. She stated that there had been leak into the flat from upstairs. She stated that the condition of the property had impacted her mental health. She stated that she had always allowed access for repairs to be carried out. She stated that when she phoned the letting agents about repairs issues she was yelled at because of the rent arrears.
24. The respondent stated that as soon as she had a stable income of £2000 per month she would start paying the arrears. Her income would be made up of unemployment benefits from Austria, income from work as a translator and furniture sales.
25. The respondent stated that if an eviction order was granted she would have to request more time. She stated that she would need to obtain another private tenancy which would cost thousands of pounds. She did not intend to apply for assistance from the local authority as a homeless person.

Submissions from Ms Haughie

26. Ms Haughie stated that arrears are currently £9709. She stated that issues with payment of rent first arose in April 2024. The monthly rent charge is £575 however the respondent had paid just £400 rent since April 2024. She stated the property is a one-bedroom flat. The applicants are owners of multiple properties which are rented out. The letting agents manage a few other properties for the applicants. Ms Haughie stated that the lack of rental income had an impact on the applicants as they continued to have pay the outgoings for the property including letting agents' fees, building insurance and repairs costs. Ms Haughie stated that when a tenant fell into arrears the letting agents would initially contact them to find out the reason they have fallen behind. If the tenant failed to respond then they would be visited. Ms Haughie referred to emails and correspondence with the respondent that had been submitted. These showed efforts that had been made to reach an agreement with the respondent regarding the arrears. Ms Haughie stated that when the respondent had spoken to the letting agents she had made promises that money was coming in however no payments were subsequently received.

Findings in fact and law

- 27. Parties entered into a tenancy agreement with a commencement date of 16 June 2022.
- 28. Monthly rent due in terms of the agreement is £575.
- 29. Arrears as at 23 September 2025 amounted to £9709.
- 30. The respondent has been in arrears of rent continuously since April 2024.
- 31. Since April 2024 the respondent has paid £400 towards the rent account.
- 32. The applicant complied with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.
- 33. A valid notice to leave was served on the respondent on 22 July 2024.
- 34. The respondent is 60 years old and resides alone.
- 35. The respondent set up a wine importing business after moving to Scotland.
- 36. The respondent has experienced health issues since July 2023 which have impacted her ability to work.
- 37. Due to her immigration status the respondent is not currently eligible to receive UK benefits.
- 38. The respondent intends to travel to Austria to claim unemployment benefit.

- 39. The respondent has applied to a charitable trust for financial assistance.
- 40. The respondent receives support from Galgael Trust.
- 41. It is reasonable to grant an order for eviction
- 42. It is reasonable to vary the date of enforcement of the eviction order until 12 January 2025.

Reasons for the decision

- 43. The Tribunal had regard to the application and the documents lodged on behalf of the applicants. The Tribunal also took into account the oral submissions made by the respondent and Ms Haughie at the hearing.

- 44. Ground 12 states:

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a) 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

(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

- 45. The Tribunal was satisfied on the basis of the rent accounts that had been lodged that the respondent had been in arrears of rent for a period in excess of

three months. The respondent did not dispute the level of arrears and accepted that arrears of £9709 were due.

46. The Tribunal determined the email sent to the respondent on 3 October 2024 complied with the pre-action requirements. The Tribunal also accepted that the applicants' letting agents made numerous attempts to contact the respondent to discuss rent arrears as evidenced by email and letter correspondence submitted.
47. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against
48. There was no dispute between parties in relation to the facts of the case including the facts relating to the respondent's personal circumstances.
49. The Tribunal took into account the information provided by Ms Haughie. The Tribunal gave weight to the high level of arrears and that the respondent had been in arrears constantly since April 2024. The Tribunal also gave weight to the fact that since the respondent fell into arrears she had paid a total of £400 with nothing at all having been paid since September 2024. The Tribunal also took into account Ms Haughie's submission that the non-payment of rent impacted the applicants' financial circumstances as they continued to be liable for outgoings associated with the property. However it was not suggested that this was causing any direct hardship to the applicants.
50. The Tribunal gave weight to the respondent's personal circumstances. She had experienced personal difficulties since moving into the property arising from her health issues. She described being quite isolated in Scotland and had been unable to work due to her health problems. The Tribunal also gave weight to the fact that the respondent had no alternative accommodation and stated that she would struggle to afford an alternative private rented property.
51. The Tribunal considered the information provided by the respondent relating to her proposals to repay the arrears. The respondent had stated that she would apply for employment benefits in Austria and that she would sell furniture and start work as a translator. She had initially stated that sale of furniture would clear the arrears in full. She later stated that she would start repayments once she had a stable income. The Tribunal found the respondent's evidence on this

point inconsistent. Whilst the respondent stated that she had been unwell she did not present evidence to show why she could not have taken the action proposed at an earlier date to repay the arrears given the length of time there had been an issue. The Tribunal found that there was a lack of evidence and specification to support the respondent's repayment proposal and given the complete lack of payment for 12 months had little confidence that any offer would be adhered to.

52. Whilst the Tribunal had considerable sympathy for the respondent's personal circumstance they considered that the high level of arrears which continued to rise and the lack of any payments was a factor which on balance led to a determination that it was reasonable to grant an order for eviction.

53. In relation to the date of execution the Tribunal determined to allow a period until 12 January 2026 for the respondent to find alternative accommodation. The Tribunal gave weight to the fact that the respondent had stated that she was impacted by health issues and would be seeking accommodation within the private sector. She lived alone and had a limited income. The Tribunal took into account that the respondent stated that she intended to apply for benefits in Austria and sell certain items of furniture. A delay in execution might allow her to obtain some income to put toward the cost of alternative accommodation. The Tribunal determined that in light of the foregoing factors a delay until 12 January 2026 was a reasonable period of time to allow the respondent to remove from the property.

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.

Legal Member: Mary-Claire
Mary-Claire Kelly

Date: 23 September 2025

