



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 19 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/24/4304

**Re: Property at 129 Shuna Street, Flat 2/2, Ruchill, Glasgow, G20 9QP (“the
Property”)**

Parties:

**Mr Charles Jakeman, 26 Lower Valleyfield View, Penicuik, EH26 8NT (“the
Applicant”)**

**Mr Pitzalis Guiseppe, Ms Simona Veneruzzo, 129 Shuna Street, Flat 2/2,
Ruchill, Glasgow, G20 9QP (“the Respondents”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)

Decision (in absence of the Respondents)

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

Background

1. This is a Rule 65 application whereby the Applicant is seeking an order for possession of the Property, under grounds 11 and 12 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The application was received in the period between 13th September and 11th November 2024. The Applicant representative lodged a copy of a short assured tenancy that commenced on 15th November 2017 until 15th November 2018 and monthly thereafter, together with copy Form AT6 with evidence of service, section 11 notice with evidence of service, rent statement and pre-action requirement correspondence.
2. The application and notification of a forthcoming Case Management Discussion was made by Sheriff Officer upon the Respondents on 18th March 2025.

3. A Case Management Discussion (“CMD”) took place by telephone conference on 9th June 2025. No party was in attendance. The Tribunal continued the CMD and issued a Direction.
4. By email dated 12th June 2025, the Applicant representative informed the Housing and Property Chamber that their non-attendance was due to an error on their part in respect of the time of the CMD.
5. Notification of the CMD was made upon the Respondents by letter dated 28th August 2025.

The Case Management Discussion

6. A CMD took place by telephone conference on 15th October 2025. Neither party was in attendance. The Applicant was represented by Ms Jacqui Dalrymple, Cairn Letting.
7. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied in respect of the Respondents. The Tribunal considered it was appropriate to proceed with the application in the absence of the Respondents.
8. Ms Dalrymple said the Applicant is seeking an order for possession. The rent arrears are now £16,500. No rent has been paid by the Respondents since August 2024. The letting agent has continued to issue monthly emails to the Respondents seeking payment and offering advice. The last visit to the Property was in January 2025. There was no response at the Property. Responding to questions from the Tribunal as to whether the Respondents were still residing at the Property, Ms Dalrymple said one of the Respondents had informed a neighbour in July 2025 that they were residing in the Property and were not leaving.
9. Responding to questions from the Tribunal, Ms Dalrymple said one of the Respondents is believed to be in employment. There may have been a family issue that coincided with the failure to pay rent around two years ago, but full details were not known. The member of staff who dealt with the Respondents at that time has since left the employment of the letting agent. Efforts were made at that time to assist the Respondents to find a more suitable property, and advice was given. Attempts have been made to set up a payment plan. There are not believed to be any children in the Property. Ms Dalrymple was not aware of any health issues or whether there had been any engagement by the Respondents with the local authority regarding social housing.
10. Responding to questions from the Tribunal, Ms Dalrymple said the Applicant is retired and suffering stress due to the non-payment of rent. This has affected his health. The Property was rented to contribute to his pension, and he now wishes to sell the Property.

Findings in Fact and Law

11.

- (i) Parties entered into a short assured tenancy commencing on 15th November 2017 until 15th November 2018 and continuing monthly thereafter.
- (ii) The Applicant has served Form AT6 upon the Respondents.
- (iii) The Property continues to be let on an assured tenancy that is not a statutory assured tenancy.
- (iv) The Respondents have persistently delayed paying rent which has become lawfully due.
- (v) Rent lawfully due from the Respondents was unpaid on the date on which proceedings for possession were begun.
- (vi) The Respondents were in arrears at the date of service of the Form AT6.
- (vii) The terms of the tenancy agreement make provision for it to be brought to an end under grounds 11 and 12.
- (viii) It is reasonable to grant an order for possession.

Reasons for Decision

12. The Tribunal was satisfied that section 18(6) of the 1988 Act applies, as the terms of the tenancy agreement make provision for the tenancy to be brought to an end under grounds 11 and 12, notwithstanding that it continues to be a contractual tenancy, as no notice to quit was served.
13. Ground 11 of schedule 5 to the 1988 Act is met if, 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 is met if 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, the tenant was in arrears at the date of the service of the notice under that section relating to those proceedings. Section 19(1)(b) of the 1988 Act does not apply. The Tribunal was satisfied that grounds 11 and 12 are met.
14. 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 that period is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. There was no evidence before the Tribunal that the

Respondents were in rent arrears as a result of a delay or failure in the payment of a relevant benefit.

15. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations. The Tribunal was satisfied on the evidence before it that the Applicant representative has complied with the pre-action protocol by sending emails and letters to the Respondents.
16. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
17. The Respondents have not paid rent since August 2024. The arrears are substantial and rising. The Respondents did not see fit to attend either CMD or make any representations to assist the Tribunal in considering reasonableness. The Tribunal took into account the limited information provided by the Applicant representative on the Respondents' circumstances. The Tribunal noted there were not thought to be any children in the Property. The Tribunal was unable to assess the likely effect of an order for possession upon the Respondents in the absence of any representations. The Respondents have disengaged and are making no effort to pay the rent or address the arrears. They have failed to address the arrears over a lengthy period despite the efforts of the letting agent. The Tribunal considered it likely that, if no order was granted, the arrears would continue to rise. The Tribunal considered the tenancy is not sustainable
18. The Tribunal took into account the information provided by Ms Dalrymple regarding the Applicant's circumstances. The Tribunal considered the Applicant is suffering financially and personally as a result of the Respondents' failure to pay the rent and address the arrears.
19. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondents to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondents failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

20. An order for possession in respect of the Property is granted. The order is not to be executed prior to 12 noon on 18th November 2025.

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.

Helen Forbes

Legal Member/Chair

15th October 2025
Date