

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/25/2087

Re: Property at 25/9 Risk Street, Dumbarton, G82 1SE (“the Property”)

Parties:

**Susan Grady, Stephen Skivington, 157 Strathleven Drive, Alexandria, G83 9PH
 (“the Applicants”)**

**Stephen Thomas, Tia Johal, 25/9 Risk Street, Dumbarton, G82 1SE (“the
 Respondents”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Nicholas Allan (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
 Tribunal”) determined that**

BACKGROUND

1. By Lease dated 16, 18 and 20 March 2023 the Applicants let the Property to the Respondents.
2. The start date of the tenancy was 17 March 2023.
3. Rent due was £550.00 per calendar month.
4. The Respondents fell into arrears of rent. The Applicants forwarded correspondence to the Respondents in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.

5. A Notice to Leave was served upon the Respondents. The Notice to Leave intimated that recovery of possession was sought on the basis the Respondents were in rent arrears for more than three consecutive months.
6. A Notice in terms of s11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the Local Authority.
7. On 15 May 2025 the Applicants presented two separate applications to the Tribunal, one seeking an order of eviction (EV/25/2087) and one seeking a payment order in relation to rent arrears (CV/25/2088).

THE CASE MANAGEMENT DISCUSSION

8. The Applicants were represented at the Case Management Discussion by Miss A Wooley of BKF & Co Solicitors, Glasgow. The Respondents did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondents. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the respondents had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondents in accordance with Rule 29 of the FTT regs

Rent Arrears

9. When the application to the Tribunal was presented the arrears of rent amounted to £2,305.00. The application sought a payment order in that amount with interest thereon from the date of any order for payment.
10. In advance of the Case Management Discussion, the Applicants presented an application to the Tribunal seeking to amend the amount claimed from £2,305.00 to £5,470.90. An updated rent statement was provided to the Tribunal showing that amount as being due.
11. In the absence of any appearance by or on behalf of the Respondents and, therefore, in the absence of any opposition, the Tribunal allowed the amount claimed to be amended and thereafter granted a payment order in the amount of £5,470.90.
12. The Tribunal was requested to apply interest to the amount. After considering the matter the Tribunal applied interest on the amount due at the rate of 5% per annum.
13. Miss Wooley pointed out to the Tribunal that, while the Applicants were seeking a payment order in the amount of £5,470.90 there was, in fact, an update in relation to the rent statement provided. The rent statement provided

contained a credit amount of £134.10, applied to the rent account on 17 April 2025. At that point in time the Applicants believed the Respondents intended vacating the Property and apportioned rent accordingly. As it transpired, the Respondents did not vacate the Property and further arrears arose thereafter. The credit of £134.10 should have been removed from the rent account, thereby increasing the amount due to £5,605.00. On the basis, however, the application to amend referred to the lower amount of £5,470.90 the request for a payment order was restricted to that amount.

Eviction

14. The Respondents have been in arrears of rent consistently since July 2023, with the arrears increasing significantly during 2025. As at January 2025 arrears of rent amounted to £2,255.00, being an amount in excess of 4 months rental payments. As at 17 September 2025, being the date of the updated rent statement provided to the Tribunal, arrears of rent amounted to not less than to £5,470.90, being almost 10 months of rental payments.
15. The Applicants were not aware of any reason for the rent arrears. In particular, the Applicants were not aware of any delay nor failure in the payment of any relevant benefits.
16. In relation to the Respondents, in so far as the Applicants are aware:-
 - The Respondents are the only two persons who were occupying the Property.
 - There are no children within the property.
 - The Applicants are not aware of any health issues affecting either Respondent.
 - It is understood that there has been a history of domestic violence between the Respondents.
 - The Respondent Mr Thomas is believed to have been in lawful custody on various occasions as a result of the domestic violence within the relationship.
 - It is understood Mr Thomas no longer occupies the Property and is living elsewhere.
 - It is understood that Miss Johal no longer occupies the Property having fled the property for her own safety.
 - Despite information to the effect that the Respondents no longer occupy the Property, the tenancy has not been terminated by the Respondents and, in the circumstances, the tenancy continues.
 - The employment status of Mr Thomas is not known.
 - Miss Johal is believed to be unemployed.
17. Having regard to the level of rent arrears, the long-standing nature of the rent arrears, taken together with the failure of the Respondents to participate in the proceedings nor lodge any submissions in opposition to the proceedings, the Tribunal considered that it was reasonable to grant an order for eviction.

DECISION

The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 19 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.

V Crawford

13 October 2025

Legal Member/Chair

Date

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