

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/25/1686

Re: Property at 52 Sandyknowes Road, Glasgow, G67 2PG (“the Property”)

Parties:

MK Rentals Ltd, 22 Barberry Crescent, Glasgow, G68 9GH (“the Applicant”)

**Mary Anderson, Malcolm King, 52 Sandyknowes Road, Glasgow, G67 2PG
 (“the Respondents”)**

Tribunal Members:

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

Decision

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

BACKGROUND

1. By lease dated 12th and 14th July 2024 the Applicant let the Property to the Respondents.
2. Despite the date of the lease, the start date of the tenancy was 2nd November 2023.
3. Rent was payable at the rate of £800.00 per calendar month.
4. With effect from February 2024, the Respondents fell into arrears of rent. As at January 2025 arrears of rent amounted to £9,600.00.

5. The Applicant forwarded correspondence to the Respondents in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
6. A notice to leave was served upon the Respondents intimating that vacant possession was sought on the basis of rent arrears for more than 3 consecutive months.
7. On 17th April 2025 the Applicant presented an application to the Tribunal seeking an order for eviction.
8. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

9. The Applicants were represented at the case management discussion by Mr M Whyte of Whyte Fraser Solicitors, Motherwell. Mrs M Kaur, a principal of the Applicant, attended by teleconference as did her son, Mr Singh. Both Respondents participated personally.
10. Mr Whyte confirmed to the Tribunal that the Applicant was seeking an order for eviction on the basis of rent arrears. No rent has been paid since February 2024.
11. The Respondents advised that they accepted the rent arrears. They did not oppose an order for eviction.
12. The Respondents advised the Tribunal of the following:-
 - They reside at the Property with their 5 children. The children range in age from under 1 year old to 17 years old.
 - The Respondents have already engaged with their local authority to secure alternative accommodation. Until an eviction order is granted, however, an application for housing cannot be advanced by the local authority.
 - Candidly, Mr King advised that, due to certain mental health issues suffered by him, he indulged in a lifestyle which resulted in money being diverted to other needs rather than payment of rent. He has now addressed those issues but accepts that significant rent arrears have occurred as a result.

- The arrears of rent have not been due to any failure nor delay in the payment of any relevant benefit.
- Miss Anderson advised that the Tribunal that previously she operated a small snack van which generated an income. The income from that business reduced after a period of time and that did not assist in relation to family finances and having money available for payment of rent.
- No factors were advanced by the Respondents to suggest it was not reasonable to grant an order for eviction.
- The property has 4 bedrooms and one living room.

13. In the circumstances, having regard to the position of the Parties, the Tribunal granted an order for eviction.

REASONS FOR DECISION

14. While the Respondents did not object to an order for eviction being granted, the Tribunal made enquiry in relation to issues which may affect reasonableness. There was no information placed before the Tribunal to suggest that it was not reasonable to grant an order for eviction. The Respondents, indeed, were candid with the Tribunal in relation to the circumstances in which arrears arose and made it clear that they did not oppose an order for eviction. They required such an order to enable the local authority to assist them in obtaining alternative accommodation.

15. Having regard to the significant arrears of rent, which have accrued over a lengthy period of time, and in the absence of any opposition, the Tribunal considered it reasonable that an order for eviction be granted.

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 1 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 1st December 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.

Virgil Crawford

24th October 2025

Legal Member/Chair

Date