



**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/25/1029

Re: Property at Flat 3/2, 67 Bowman Street, Glasgow, G42 8LF (“the Property”)

Parties:

Mrs Preeti Bhopal, 2 Mearnswood Place, Glasgow, G77 6BF (“the Applicant”)

**Mr Traian Lingurar, Mrs Magdalena Lingurar, Flat 3/2, 67 Bowman Street,
Glasgow, G42 8LF (“the Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of grounds 11 and 12 of schedule 5 of the Housing (Scotland) Act 1988 (“the 1988 Act”) have been met and it would be reasonable to make an eviction order.

The Tribunal therefore made an eviction order under section 18 of the 1988 Act.

Background

- 1 This is an application for an eviction order under section 18 of the 1988 Act and rule 65 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”).
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference at 2pm on 10 November 2025. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondents by sheriff officers on 1 October 2025.

- 3 The Tribunal gave both parties the opportunity to make written representations in advance of the CMD. No written representations were received from the Respondents. On 10 November 2025 the Tribunal received an updated rent statement from the Applicant.

The CMD

- 4 The CMD took place by teleconference on 10 November 2025. The Applicant was represented by Mr Imran Haq of G4 Properties. He was accompanied by a colleague Mr Hassan as an observer. The Respondents did not join the call. Mr Haq advised that there had been no recent contact with them regarding the Tribunal application. They had contacted Mr Haq when the Form AT6 was served but had not been in touch since. The Tribunal noted that the Respondents had been given notice of the CMD under rule 17(2) of the Rules, and had provided no reasonable explanation for their failure to attend. The Tribunal therefore delayed the start time of the CMD for a short period before determining to proceed in their absence.
- 5 The Tribunal had the following documents before it:-
 - (i) Form E application form;
 - (ii) Short assured tenancy agreement between the parties;
 - (iii) Rent statement;
 - (iv) Form AT6 and proof of delivery to the Respondents;
 - (v) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 and proof of delivery to the local authority;
 - (vi) Copy letters from the Applicant to the Respondents in accordance with the rent arrears pre-action protocol;
 - (vii) Rent increase notices; and
 - (viii) Written mandate from the Applicant authorising G4 Properties to represent them.
- 6 The Tribunal heard submissions from Mr Haq on the application. The following is a summary of the key elements of the submissions and is not a verbatim account.
- 7 Mr Haq explained that the tenancy began in 2017. The contractual rent was £525 per month and had since been increased to £700 per month which was still below market value. The arrears stood at £5492.86. The Applicant was receiving rent directly from universal credit but the Respondents were not paying anything towards the arrears. The last payment they made to the rent account was in November 2024. The Applicant had attempted to enter into payment plans but the Respondents did not adhere to these. Their payments were inconsistent and sporadic. Mr Haq had looked into whether the Respondents would be entitled to a backdate of universal credit but they did not appear to qualify. Mr Haq explained that the Applicant had tried to work with the Respondents to address the arrears to no avail.

- 8 In response to questions from the Tribunal, Mr Haq explained that there had been complaints from neighbours about the property, which indicated others were staying there. The Respondents had children but they were believed to be young adults. The Respondents were in their mid to late 50s. Mr Haq did not think they were in full time employment given their entitlement to benefits. The Respondents did not have any known health issues. Mr Haq did not know what their intentions were regarding rehousing. He did not know if they had spoken with the local authority. Mr Haq advised that the Applicant has two rental properties that he manages on her behalf. She had been very fair with the Respondents. She had chosen not to increase their rent again, despite the rent being below market value. Mr Haq explained that the Applicant had also struggled to gain access to the property to carry out repairs. It had been a problematic tenancy.
- 9 The Tribunal adjourned the CMD to deliberate, at which point Mr Haq and Mr Hassan left the call, before resuming the discussion and confirming the outcome.

Findings in fact

- 10 The Applicant is the owner and landlord, and the Respondents are the tenants, of the property in accordance with a short assured tenancy agreement.
- 11 The Applicant has given the Respondents a Form AT6 which includes grounds 11 and 12 of schedule 5 of the 1988 Act.
- 12 The tenancy agreement between the parties make provision for the tenancy to be terminated on grounds 11 and 12.
- 13 The Applicant has given the Respondents a notice under section 11 of the Homelessness etc (Scotland) Act 2003 as at the date of making this application.
- 14 The contractual rent for the property is £525 per month. The rent was increased to £700 per month on 10 January 2024.
- 15 The Respondents have failed to pay rent as agreed. As at the date of this decision arrears in the sum of £5492.86 have accrued.
- 16 The Applicant has written to the Respondents with information about the tenancy agreement and the arrears, has offered to enter into payment plans, and has directed the Respondents to agencies for advice and support.
- 17 The Respondents are in receipt of universal credit. The arrears are not known to be due to any delay or failure in the payment of a relevant benefit.
- 18 The Respondents are in their mid to late 50s. The Respondents have no known health issues or vulnerabilities.

Reasons for decision

- 19 The Tribunal was satisfied that it could make relevant findings in fact based on the documentary evidence and oral submissions from Mr Haq at the CMD in order to reach a decision on the application. The Respondents had not sought to produce any contradictory evidence nor advance any defence to the application therefore there were no issues to be resolved that would require a hearing to be fixed.
- 20 Section 19 of the 1988 Act states "*The First-Tier Tribunal shall not entertain proceedings for possession of a house let on an assured tenancy unless (a) the landlord..has served on the tenant a notice in accordance with this section; or (b) the Tribunal considers it reasonable to dispense with the requirement of such a notice*". The Tribunal was satisfied based on the documentary evidence before it that the Applicant has given the Respondents a Form AT6 notice which complies with the provisions of section 19 of the 1988 Act, and therefore the application can be entertained. The Tribunal was further satisfied that the Applicant has given the local authority the required notice under section 11 of the Homelessness etc (Scotland) Act 2003.
- 21 Section 18 of the 1988 Act states "*The First-Tier Tribunal shall not make an order for possession of a house let on an assured tenancy except on one or more of the grounds set out in Schedule 5 to this Act....If the First-tier Tribunal is satisfied that any of the grounds in Part I or II of Schedule 5 to this Act is established, the Tribunal shall not make an order for possession unless the Tribunal considers it reasonable to do so*".
- 22 The Tribunal considered the wording of grounds 11 and 12:-

"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."

- 23 The Tribunal accepted the Applicant's evidence which was not challenged by the Respondents regarding the outstanding rent arrears. The rent account has been in arrears since April 2020, with a balance of £5492.86 as at the date of this decision. The Tribunal was therefore satisfied that grounds 11 and 12 were met in this case.

- 24 The Tribunal went on to consider whether it would be reasonable for an eviction order to be granted in the particular circumstances of this case which requires the Tribunal to identify those factors relevant to reasonableness and determine what weight to apply to them.
- 25 The Tribunal was satisfied that the Applicant has complied with the protocol as set out in the Rent Arrears Pre-action Requirements (Coronavirus) (Scotland) Regulations 2020 as evidenced by the correspondence sent to the Respondents by G4 Properties. Repayment plans had been agreed with the Respondents which they had failed to maintain. The Tribunal was further satisfied that the rent arrears were not due to any failure or delay in the payment of a relevant benefit. Mr Haq had confirmed that the Respondents were currently in receipt of universal credit, and that there was no suggestion that any backdated payment was due that would reduce or repay the outstanding arrears.
- 26 The Tribunal gave great weight to the level of arrears in this case which are significant. Payment of rent is a fundamental obligation of any tenancy and no explanation has been provided by the Respondents as to why they have accrued such a large balance of rent arrears.
- 27 The Tribunal also carefully considered the Respondents' circumstances. The Tribunal was limited to the information from Mr Haq in this regard. The Respondents had lodged no written representations with the Tribunal despite being given the opportunity to do so. The Tribunal therefore accepted that the Respondents are in their mid to late 50s, appear to have no health problems or vulnerabilities, and have no young children residing with them. The Tribunal could identify no factors which would outweigh the arrears and ongoing breach of the Respondents' rental obligations in terms of the Tribunal's assessment of reasonableness. The Tribunal was also aware that the local authority would have a duty to provide the Respondents with advice and assistance if an eviction order is granted.
- 28 The Tribunal therefore found grounds 11 and 12 to be established and concluded that it is reasonable to make an eviction order in the particular circumstances of this case.
- 29 The decision of the Tribunal was unanimous.

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.

Ruth O'Hare

10 November 2025

Legal Member/Chair

Date