

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) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/2490

Re: Property at 0/1 402 Main Street, Rutherglen, Glasgow, G73 3AU (“the Property”)

Parties:

Mr Brian McAvoy, 116 Greystone Avenue, Glasgow, G73 3SN (“the Applicant”)

Mr James Dunlay, 0/1 402 Main Street, Rutherglen, Glasgow, G73 3AU (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment to the Applicant the sum of Two Thousand Three Hundred Pounds (£2,300)

Introduction

1. These are linked applications between the same parties. The applications seek an eviction order and a payment order relating to arrears of rent. Service of the applications together with intimation of the Case Management Discussions (CMDs) was effected by Sheriff Officers on the respondent on 10 October 2025.
2. The CMD hearing took place by teleconference on 17 November 2025 at 2.00 pm. The applicant was represented by Mrs Laura Smith of Scottish Property Centre. There was no appearance by or on behalf of the respondent. No representations had been received from him.

Findings and Reasons

3. The property is 0/1, 402 Main Street, Rutherglen, Glasgow G73 3AU. The applicant is Mr Brian McAvoy who is the heritable proprietor and registered landlord. The respondent is Mr James Dunlay who is the tenant. A private residential tenancy was entered into between the parties which commenced on 29 April 2024. The rent agreed was £600 per month.
4. The respondent has fallen into arrears of rent. At the time that the applications were submitted to the Tribunal in June 2025, rent arrears were £2,300.00. Throughout the time that the application has been pending the arrears have increased to £5,300. No Rule 14A amendment has been made. The applicant is entitled to recover arrears of rent due under and in terms of the lease. The Tribunal granted a payment order against the respondent in the sum of £5,300. There is no opposition by the respondent and no time to pay direction application has been made by the respondent.
5. The eviction proceedings are based upon the arrears of rent and the ground relied upon is ground 12 of Schedule 3 to the 2016 Act, namely that the respondent is in rent arrears over three consecutive months. The notice to leave is dated 2 April 2025 and states that an application will not be submitted to the Tribunal for an eviction before 3 May 2025. It is evidenced that the notice was served by email on the day that it is dated. The required statutory notice period of 28 days' notice was given to the respondent. The Tribunal was satisfied that more than three consecutive months of rent was outstanding at the time that the notice to leave was served and remains unpaid by the respondent. This establishes ground 12.
6. The Tribunal proceeded to consider the issue of reasonableness. The respondent does not oppose the application. He lives alone. He is known to have been working and was not reliant on housing benefits. He has no known disabilities or vulnerabilities. The applicant is adversely affected financially by the absence of rent being paid. The rent arrears are significant. It is unreasonable to require the applicant to continue to provide accommodation to the respondent in the absence of rent being paid. The Tribunal found that the rent arrears pre-action requirements have been adequately fulfilled by the applicant.
7. The local authority has been served with a section 11 homelessness notice. In the event of an eviction order being granted the local authority has an obligation to make alternative accommodation available to the respondent.
8. In all the circumstances, the Tribunal determined it was reasonable to grant the eviction order sought by the applicant.

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.

Richard Mill

17 November 2025

Legal Member/Chair

Date