

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 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/0483

Re: Flat 8, 6 Queen Mary Avenue, Glasgow G42 8DT ("Property")

Parties:

Akari Property Ltd, 58B Newark Drive, Glasgow G41 4PX ("Applicant")

Brogan MacKay, Flat 8, 6 Queen Mary Avenue, Glasgow G42 8DT and Jamie Hulme, 11 Abbotsford Crescent, Strathaven, Lanarkshire ML10 6EQ ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 11 September 2023 ("Tenancy Agreement"); Notice to Leave addressed to each Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 17 December 2024 ("Notice to Leave") with covering email dated 17 December 2024; statement of rent arrears; correspondence indicating compliance with the pre-action requirements; communications regarding access to the Property to carry out a gas safety inspection; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 3 February 2025. The Application was served on the Respondent by sheriff officer on 19 September 2025. On 13 October 2025 the Applicant lodged an updated rent statement which indicated arrears of £8,747 and a copy of a right of entry notification dated 9 October 2025 and communications regarding access to the Property to carry out repairs.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 29 October 2025 by teleconference. Siobhan Lawson of the Applicant was in attendance. There was no appearance by the First Respondent. The Second Respondent was in attendance.

Mr Hulme told the Tribunal that he moved out of the Property in March 2024. He said he had not had any contact with Ms Mackay for over 12 months. Ms Lawson told the Tribunal that when Mr Hulme left the Property she asked Ms Mackay to enter into a new tenant agreement but she did not do so.

The Tribunal noted that an updated statement of rent arrears lodged and asked if any recent payments had been made. Ms Lawson said there had been no payments made. The Tribunal asked if the rent had been paid by any benefits at any time. Ms Lawson said that it had not.

Ms Lawson told the Tribunal that there had been no communications from Ms Mackay since February 2025. Ms Lawson said there had been a leak from the Property to a flat below. She said that the plumber working in the lower flat tried to gain access to the Property but Ms Mackay was not available at any point to allow access. She said that she had attempted to gain access to carry out a gas safety check and to have an EICR prepared but had been unable to gain access. She said that both checks were long overdue and should have been carried out in the summer of 2024. The Tribunal noted that a right of entry notification had now been issued and asked if Ms Mackay had responded. Ms Lawson said that there had been no response.

Ms Lawson told the Tribunal that Ms Mackay lives in the Property alone. She said she is not aware of Ms Mackay having any health issues. She said she believed that she may be working.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 11 September 2023.
2. The Notice to Leave was served on each Respondent by email on 17 December 2024.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.

4. The Applicant had complied with the pre-action protocol prescribed by the Scottish Ministers.
5. In terms of section 19 of the Tenancy agreement the Respondent is to allow reasonable access to the Property for an authorised purpose.
6. The Respondent did not allow reasonable access for an authorised purpose.
7. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

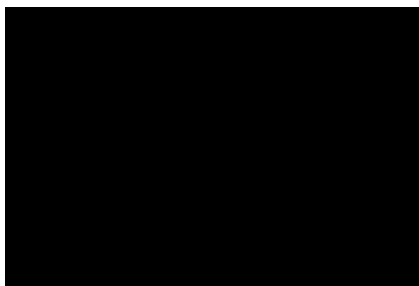
The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months and ground 11 which is that the tenant has breached a term of the tenancy. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. The Tribunal had seen evidence of compliance with the pre-action requirements. The Tribunal considered the communications regarding access to the Property for an authorised purpose and determined that ground 11 had been established. Having considered all of the circumstances, and in the absence of a submission on behalf of the First Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.



Date : 29 October 2025