

Housing and Property Chamber

First-tier Tribunal for Scotland



Decisions with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Refs: FTS/HPC/EV/25/1738 and FTS/HPC/CV/25/2194

Re: Property at Flat 11/4, 354 Meadowside Quay Walk, Glasgow, G11 6EE (“the Property”)

Parties:

Mr Ayush Kejwiral and Mr James Davidson, Flat 0/2, 341 Glasgow Harbour Terraces, Glasgow, G11 6BH (“the Applicants”) and

Bannatyne, Kirkwood France & Co, 16 Royal Exchange Square, Glasgow, G1 3AG (“the Applicant’s Representative”) and

Mr Ben Young, Flat 11/4, 354 Meadowside Quay Walk, Glasgow, G11 6EE (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
A Khan - Ordinary Member**

Decisions

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows:

- 1) To grant an eviction order; and
- 2) To grant an order for payment to the Applicants, Mr Ayush Kejwiral and Mr James Davidson, by the Respondent, Mr Ben Young, of the sum of £8,550.00 with interest thereon at the rate of 8% per annum from 28th November 2025 until payment.

Background

1. These are Applications for an eviction order in terms of Rule 109 (Application for an eviction order) and for a payment order in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier Tribunal for

Scotland Housing and Property Chamber Rules of Procedure 2017 ("the 2017 Rules").

Case Management Discussion on 28th November 2025

2. A Case Management Discussion proceeded by remote teleconference call at 10am on 28th November 2025. The Applicants' Representative's Ms A Wooley attended. The Respondent, Mr Young, did not attend, was not represented and there was no explanation for his absence. The Tribunal had noted that Sheriff Officers had served the papers in respect of both Applications, and the details of the CMD, on Mr Young by posting the relevant documents through the letterbox at the Property on 16th October 2025.
3. Ms Wooley referred to the Applications and subsequent e-mails which she had sent to the Tribunal's office. She stated that Mr Young last paid rent in January 2025, shortly after his tenancy began in December 2024. She said that the Applicants Mr Kejwiral and Mr Davidson no longer want to be landlords. Ms Wooley stated that the Property is their only rental property and that they wish to sell it as soon as possible. She said that the outstanding rent arrears are in the sum of £9500 as Mr Young has not paid any rent since January 2025. Ms Wooley said that she understands that Mr Young is in employment and that she is not aware of him having any health conditions. Ms Wooley asked the Tribunal to grant the orders sought in both Applications, with the payment order amount being in the sum of £8550.00, in terms of the updated rent statement and amendment request which her colleague Ms A Capaldi had sent to the Tribunal's office on 14th November 2025. Ms Wooley also asked the Tribunal to apply interest at the rate of 8% per annum to the sum sought of £8550.00, as that interest rate is stipulated in clause 8 of the parties' private residential tenancy agreement ("PRT").

Findings in Fact and Law and Reasons for Decisions

4. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a PRT if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
6. Section 71 of the 2016 Act provides as follows:
 - (1) In relation to civil proceedings arising from a private residential tenancy-
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
 - (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
 - (a) the prosecution of a criminal offence,

(b) any proceedings related to such a prosecution.

7. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicants) for an eviction order and order for payment of unpaid rent against a tenant (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.
8. Having considered all of the Applications papers and the submission of Ms Wooley, the Tribunal find in fact that the Applicants, Mr Kejwiral and Mr Davidson, through their Representative, have provided the Tribunal, in their Application for an eviction order, with copies of the parties' PRT, the Notice to Leave ("NTL") served on Mr Young and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice subsequently intimated to Glasgow City Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The Application for an eviction order, proceeds in terms of Schedule 3(1) to the 2016 Act. The Tribunal also find in fact that the Applicants wish to sell the Property as they no longer wish to be landlords. The Tribunal further find that Mr Young has not paid any rent since January 2025 and the rent arrears owing at 14th November 2025 were in the sum of £8550.00 when an updated rent statement was emailed to the Tribunal's office and then sent to Mr Young.
9. In making its findings in fact the Tribunal relied on the documentation within the Applications and the oral submission of Ms Wooley, the terms of which were consistent with the terms of the relevant documentation.
10. Further, the Tribunal, in making their findings in fact, placed reliance on the absence of any contradictory information or submissions from the Respondent Mr Young. The papers in respect of both Applications, and details of the CMD, had been served effectively on him by Sheriff Officers on 16th October 2025. Mr Young is aware of the important nature of the Applications but has not lodged any representations regarding their merits and the reasonableness of the grant of the orders sought.
11. Accordingly, the Tribunal find in law that the ground in Schedule 3(1) to the 2016 Act is met as the Applicants, Mr Kejwiral and Mr Davidson, intend to sell the Property and, also, that it is reasonable that an eviction order be granted. The Tribunal also find in law that Mr Young is obliged to pay rent to the Applicants in terms of the parties PRT. They find that Mr Kejwiral and Mr Davidson, are entitled to be granted an order for Mr Young's payment to them of the sum of £8550.00, in respect of rent arrears, with contractual interest at the rate of 8% per annum until full payment has been made.
12. The Applicants may submit a fresh Application to the Tribunal for a further payment order in respect of other rent arrears owing.

Decisions

13. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr Ben Young, from the Property at Flat 11/4, 354 Meadowside Quay Walk, Glasgow, G11

6EE and, also, an order for payment to the Applicants, Mr Ayush Kejwiral and Mr James Davidson, by the Respondent, Mr Ben Young, of the sum of £8550.00 with interest at the rate of 8% per annum until payment.

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.

G McWilliams
Tribunal Legal Member

28th November 2025