

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/1572

Re: Property at 110 Glebe Street, Bellshill, ML4 3DG (“the Property”)

Parties:

Lucius Constantine Ltd, 22 Ramsey Wynd, Bellshill, ML4 1LW (“the Applicant”)

Mr Daryn Crozier, 110 Glebe Street, Bellshill, ML4 3DG (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.

Background

1. By application dated 10 April 2025 the applicant seeks an order for eviction, relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was conjoined with application reference FTS/HPC/CV/25/1571 seeking an order for payment of arrears.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to Leave and Guidance with proof of delivery
 - Rent statement
 - Pre action correspondence to the respondent
 - Notice under section 11 of the Homelessness Etc. (Scotland) Act 2003.

3. A case management discussion (“cmd”) was assigned for 10 December 2025.
4. An updated rent statement was submitted by the applicant’s representative on 5 December 2025.

Case management discussion – 10 December 2025- teleconference

5. The applicant was represented by Ms Franchitti, Director, Property Angels letting agents. The respondent was not present or represented. The Tribunal was satisfied that the respondent had received proper notice of the cmd and proceeded with the cmd in their absence in terms of rule 29.
6. Ms Franchitti sought an order for eviction. She stated that the rent arrears had increased to £7025. She stated that the applicant is a small scale landlord who was impacted by the rent arrears. She stated that the respondent resided alone in the property. He was employed full time as a train driver. She stated that she had spoken to the respondent on 1 September 2025 to discuss the rent arrears. She stated that he had said that he would address the rent arrears however no payments had been received since 12 September 2025. Ms Franchitti stated that efforts had been made to engage with the respondent however the arrears continued to increase.

Findings in fact and law

7. Parties entered into a tenancy agreement with a commencement date of 26 January 2024.
8. Monthly rent due in terms of the agreement is £775.
9. The respondent has not made any payments towards the rent or arrears since 12 September 2025
10. The respondent has been in continuous rent arrears since October 2024.
11. The respondent has not submitted any written defence to the present application and did not attend the cmd to oppose an order being granted.
12. The applicant complied with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.
13. Ground 12, in schedule 3 of the 2016 Act has been established.

Reasons for the decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

16. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

17. Ground 12 states:

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a)whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit and

(b)the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

18. The Tribunal was satisfied on the basis of the rent accounts that had been lodged that the respondent had been in arrears of rent for a period in excess of three months.
19. In relation to the question of reasonableness the Tribunal determined that the correspondence sent to the respondent complied with the pre-action requirements. The respondent had been provided with information relating to the rent arrears and guidance on how to access assistance in compliance with the pre-action requirements on multiple occasions.
20. The respondent had not lodged any information which sought to demonstrate that the arrears were in any part due to issues with benefits.
21. The Tribunal took into account the information provided by Ms Franchitti. The Tribunal noted the high level of arrears, which continued to rise and that no payments had been made by the respondent since 12 September 2025.
22. The Tribunal gave significant weight to the fact that the respondent had not taken any steps to oppose the application or lodge a defence.
23. In the foregoing circumstances the Tribunal determined that it was reasonable to grant an order for eviction.

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.

Mary-Claire Kelly

Legal Member/Chair

10 December 2025
Date

