



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/0951

Re: Property at 0/2, 27 Plean Street, Yoker, Glasgow, G14 0YH (“the Property”)

Parties:

MR JOHN MOORE, MRS MARGARET MOORE, 13 CRICHTON AVENUE, CHESTER LE STREET, DURHAM, DH3 3ND (“the Applicant”)

Nathan Stewart, Rebecca Meehan, 0/2, 27 Plean Street, Yoker, Glasgow, G14 0YH (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Sandra Brydon (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 ground 12 of schedule 3 of the 2016 Act are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

In terms of section 51(4) of the Act the order will terminate the private residential tenancy on 27 December 2025.

Background

- 1 This is an application for an eviction order under rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 51 of the 2016 Act. The Applicants relied upon ground 12 as the ground for eviction, stating that the Respondents were in rent arrears. The application was conjoined with an application for a payment order under reference FTS/HPC/CV/25/0087 as the applications related to the same tenancy and same parties.

- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 25 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 14 October 2025.
- 3 Both parties were invited to make written representations. No written representations were received in advance of the CMD.

The CMD

- 4 The CMD took place by teleconference on 25 November 2025. Miss Kirsty Haughie of 1-2 Let (Lettings and Sales) Ltd represented the Applicant. The Respondents were not in attendance.
- 5 Mrs Haughie explained that communication with the Respondents had been poor. The Applicant had made a recent right of entry application to the Tribunal to carry out the gas safety check. Miss Haughie had spoken with Ms Meehan when the Tribunal attended the property and had reminded her of the upcoming CMD. Mr Stewart was no longer residing at the property. The Tribunal noted that the Respondents had not made any written representations in response to the application, nor had they provided any explanation to the Tribunal as to the reason for their absence at the CMD. The Tribunal was satisfied that they had been given proper notice of the CMD under Rule 17(2) of the Rules. The Tribunal therefore delayed the start time of the CMD for a short period before determining to proceed in their absence.
- 6 The Tribunal had the following documents before it:-
 - (i) Form E application form;
 - (ii) Title sheet confirming the Applicants’ ownership of the property;
 - (iii) Excerpt from the online landlord register confirming the Applicants’ landlord registration;
 - (iv) Private residential tenancy agreement;
 - (v) Notice to leave and proof of delivery to the Respondents by recorded delivery mail;
 - (vi) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 (“section 11 notice”) and proof of delivery to Glasgow City Council;
 - (vii) Rent statement;
 - (viii) Copy emails from 1-2 Let (Lettings and Sales) Ltd to the Respondents; and
 - (ix) Written mandate from the Applicants authorising 1-2 Let (Lettings and Sales) Ltd to act as their representative.
- 7 The Tribunal explained the purpose of the CMD and proceeded to hear submissions from Miss Haughie on behalf of the Applicants.
- 8 The Applicants sought an eviction order. The arrears now stand at £5850. No payments of rent have been made since November 2024. The Respondents have held the tenancy since 2018. They have previously fallen into arrears but

have always managed to catch up. Mr Stewart is no longer residing at the property. However, he has not formally terminated the lease. The Respondents' communication with the Applicant has been poor. The Applicants via their agent 1-2 Let (Lettings and Sales) Ltd have written to the Respondents in accordance with the rent arrears pre-action protocol and have attempted to agree payment plans with them. The Respondents do not engage. Ms Meehan is in full time employment. She is 30 years old. She now lives by herself but goes between the property and her mother's property. Miss Haughie is not aware of any vulnerabilities.

- 9 The Applicants are suffering financially. They are aged 71 and 73. Both are retired and rely upon the rental income to fund their retirement. They continue to face costs associated with the property such as factors fees, insurance and agency fees. It is causing them stress. Miss Haughie confirmed that the Applicants have one other rental property.
- 10 The Tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the proceedings and confirming the outcome.

Findings in fact

- 11 The Applicants are the owners and landlords, and the Respondents are the tenants, of the property in terms of a private residential tenancy agreement which commenced on 28 August 2018.
- 12 The Applicants have given the Respondents a notice to leave which includes ground 12.
- 13 The Applicants have given the local authority a section 11 notice at the time of making this application to the Tribunal.
- 14 The contractual rent for the property is £475 per month.
- 15 There were rent arrears in the sum of £1575 when the notice to leave was given to the Respondents on 28 January 2025.
- 16 There are rent arrears outstanding in the sum of £5850 as at the date of this decision.
- 17 The rent account has been in arrears since 28 November 2024.
- 18 The rent arrears are not known to be a result of any failure or delay in the payment of a relevant benefit.
- 19 The Applicant's representative, 1-2 Let (Lettings and Sales) Ltd has contacted the Respondents regarding the rent arrears, has reminded them of their rental obligations, has offered to enter into payment plans, and has directed them to relevant agencies for advice and support.

- 20 The Applicants rely upon the rental income to fund their retirement. The Applicants are suffering financially because of the unpaid rent.
- 21 The first Respondent no longer resides at the property.
- 22 The second Respondent is 30 years old and in full time employment. The first Respondent resides alone at the property.
- 23 The second Respondent has no known vulnerabilities.

Reasons for decision

- 24 The Tribunal was satisfied it had sufficient information to make relevant findings in fact based on the oral and written submissions and documentary evidence before it. The Respondents had been clearly advised in the CMD notification that the Tribunal could proceed to a decision at the CMD. They had provided no explanation for their failure to attend the discussion and had not sought to submit any evidence to the Tribunal to counter the documentary evidence submitted by the Applicants. The Tribunal was therefore satisfied it could reach a decision in the absence of a hearing until rule 18 of the Rules.
- 25 Section 52 of the 2016 Act states that “*an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant*”. The Tribunal was satisfied based on the documentary evidence before it that the Applicants have given the Respondents a notice to leave that complies with the requirements of the 2016 Act. The Tribunal was further satisfied that the Applicants have given the local authority a section 11 notice in accordance with the requirements of section 56 of the 2016 Act.
- 26 The Tribunal went on to consider the wording of ground 12:-
- 27 Ground 12 is in the following terms:-

“(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.

(5) For the purposes of this paragraph—
(a) references to a relevant benefit are to—
(i) a rent allowance or rent rebate under the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971),
(ii) a payment on account awarded under regulation 91 of those Regulations,
(iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,
(iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,
(b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.
(6) Regulations under sub-paragraph (4)(b) may make provision about—
(a) information which should be provided by a landlord to a tenant (including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy),
(b) steps which should be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,
(c) such other matters as the Scottish Ministers consider appropriate.”

- 28 The Tribunal accepted based on the rent statements produced that the rent account has been in arrears for more than three consecutive months. The Tribunal therefore found paragraph 3(a) of ground 12 to be established in this case.
- 29 The Tribunal went on to consider whether it was reasonable to make an eviction order on account of these facts, which requires the Tribunal to identify those factors relevant to reasonableness and determine what weight to apply to them.
- 30 The Tribunal gave significant weight to the Respondents' breach of their rental obligations. Payment of rent is a fundamental obligation of any tenancy. The Respondents have repeatedly failed to pay rent over a prolonged period. It is nearly a year since any payments were received by the Applicants. The arrears are now significant, standing at £5850. The Tribunal accepted that the arrears do not appear to be due to any failure, or delay, in the payment of a relevant benefit on the basis that the second Respondent is in full time employment and there is no evidence to suggest any benefits are due. The Applicants have also written to the Respondents via their representative with the information required under the rent arrears pre-action protocol.
- 31 The Tribunal also gave weight to the impact of the arrears upon the Applicants. The Tribunal accepted that they were struggling financially due to the loss of rent. They relied upon this as part of their retirement income.
- 32 The Tribunal carefully considered the Respondent's circumstances. The Tribunal was limited to the information from Miss Haughie in this regard which the Tribunal found to be clear and consistent given her involvement in managing the tenancy. The Tribunal therefore accepted that the first

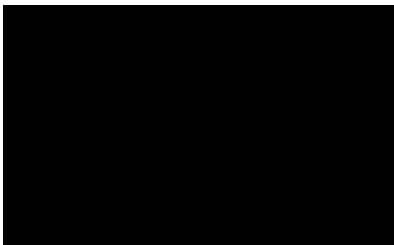
Respondent no longer resides at the property and would suffer no prejudice were an eviction order to be granted. The Tribunal further accepted that the second Respondent was the sole resident of the property, and in full time employment with no known vulnerabilities. Neither Respondent had sought to oppose the application. They were not advancing any defence regarding 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.

33 Accordingly, having weighed those factors relevant to reasonableness the Tribunal concluded that the balance weighs in favour of making an eviction order in this case.

34 The Tribunal therefore determined that ground 12 had been met and determined to make an eviction order. 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.



Legal Member/Chair

Date: 25 November 2025

Ruth O'Hare