



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/25/2249

Re: Property at Flat 12, 23 Thornhill, Johnstone, Renfrewshire, PA5 8JQ (“the Property”)

Parties:

SGUK Floor Commercial House, Second Floor Commercial House, Commercial Street, St Helier, Jersey, JE2 3RU (“the Applicant”)

Mr William Keaney, Flat 12, 23 Thornhill, Johnstone, Renfrewshire, PA5 8JQ (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Ann Moore (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 27 May 2025 the applicant seeks an order for possession relying on ground 12 (rent arrears for 3 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/25/2267 in terms of which the applicant sought an order for payment in respect of rent arrears.
2. The applicant lodged the following documents in advance of the case management discussion (“cmd”):
 - Copy tenancy agreement

- Notice to leave with proof of service
- Section 11 notice to local authority
- Rent statement for the duration of the tenancy
- Pre Action Requirement correspondence

Case management discussion (“cmd”) – teleconference – 27 November 2025

3. The applicant was represented by Ms Wooley, solicitor, Bannatyne Kirkwood France and Co. The respondent was not present or represented. The Tribunal noted that papers had been served on the respondent by Sheriff Officers on 16 October 2025. 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.
4. Mr Wooley sought an order for eviction. She stated that arrears at 12 November 2025 had increased to £4750. She stated that as per the rent statements which had been lodged, the respondent had been in rent arrears since October 2024. No payments had been received from the respondent towards the rent account since the Notice to Leave had been served in March 2025. Ms Wooley referred to 3 pre action letters that had been lodged which showed that the applicant had sought to address the issue of rent arrears with the respondent.
5. Ms Wooley stated that in the event that the arrears have a negative financial impact on the applicant. She stated that the property required some repairs to be carried out. She stated that if an order was granted the applicant intended to sell the property. They had a number of rental properties that were being sold as they no longer wished to be part of the rental market.
6. Ms Wooley stated that as far as the applicant was aware the respondent resided alone in the property. He had been uncommunicative with the applicant for an extended period. She stated that when the property was rented to the respondent he had been in employment although his current employment status was not known. She stated that in the event that an order was granted the local authority would have a statutory duty to provide the respondent with temporary accommodation in the event that he was homeless.

Findings in fact and law

7. Parties entered into a tenancy agreement with a commencement date of 12 May 2022.
8. Monthly rent due in terms of the agreement was £475.
9. Arrears as at 12 November 2025 amounted to £4750.
10. The respondent has not made any payments towards the rent or arrears since March.
11. The applicant's representative wrote to the respondent on 4, 15 and 28 October 2024 regarding the rent arrears.
12. The applicant intends to sell the property as they wish to exit the rental market.
13. The respondent resides alone in the property.
14. The respondent has not submitted any written defences or sought to oppose an order for eviction being granted.

Reasons for the decision

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. In relation to question of reasonableness the Tribunal determined that the correspondence sent to the respondent in October 2024 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 on a number of occasions in compliance with the pre-action requirements.

21. The Tribunal was satisfied that the arrears at the property amounted to £4750 as at the date of the cmd. The respondent had not lodged any information which sought to demonstrate that the arrears were in any part due to issues with benefits.

22. The Tribunal took into account the information provided by Ms Wooley. The Tribunal noted the high level of arrears, which continued to rise. The Tribunal

gave significant weight to the impact of the non-payment of rent on the applicant who continued to be liable for the upkeep of the property.

23. The Tribunal took into account the information provided in relation to the respondent's personal circumstances.

24. The Tribunal gave particular weight to the fact that the respondent had not taken any steps to oppose the application or lodge a defence.

25. Taking all the foregoing circumstances into account the Tribunal determined that on balance it was reasonable to grant an order for eviction.

26. The Tribunal determined that it was appropriate to suspend enforcement of the order until 7 January 2026.

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

27 November 2025_____
Date