



**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/25/0860**

**Re: Property at 326 Mallard Crescent, Greenhills, East Kilbride, G75 8UQ (“the  
Property”)**

**Parties:**

**Gray Property Solutions Ltd, 25 First Avenue, Glasgow, G44 3UA (“the  
Applicant”)**

**Mr Mark Nicholson, 326 Mallard Crescent, Greenhills, East Kilbride, G75 8UQ  
 (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and David Godfrey (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order of eviction be granted**

- **Background**

The applicant applied to the tribunal for an order for eviction by way of application dated 25<sup>th</sup> February 2025. The application was accompanied by various documents including various rent receipts together with attempts made by the applicant to engage with the respondent.

The application was acknowledged by the tribunal on the 27<sup>th</sup> of February 2025 and on 13<sup>th</sup> June 2025 was accepted for determination.

The application was served by sheriff officers on 28<sup>th</sup> August 2025 by depositing with the respondent.

The respondent provided no written response.

- The Case Management Discussion

At the case management discussion Mr Gray attended for the applicant. There was no appearance by or for the respondent.

Mr Gray indicated that he had acquired the property with the respondent as a tenant already. The respondent had been in occupation for a period of approximately five years. The respondent had lived with his partner and two children but she had subsequently left. The property was a two bedroomed flat. The respondent was receiving £375 per month by way of universal credit. The rent was due to be £525 per month. There was a monthly gap of £150 per month. At the time of the application there were seven months of rent arrears.

The shortfall of £150 per month had continued since the time of the application and the outstanding figure in terms of rent was now £1777.20.

The respondent had been in more than 12 months of consecutive rent arrears. The applicant had attempted to engage with the respondent, he had messaged him by telephone and by email but was not receiving any response.

It appeared that the respondent was receiving universal credit for a one bedroomed property. The respondent had made no attempt to pay the shortfall

It was unclear whether the respondent had any care of his children. He did not appear to be working.

- Findings in Fact

1. That a tenancy Existed between the parties for the rental of the property at 326 Mallard Crescent East Kilbride. Rental was due at the rate of £525 per month
2. The respondent had rented the property for a period of approximately five years by the time the applicant took on ownership.
3. The respondent paid rent through universal credit at the rate of £375 per month. There was a shortfall of rental payments of £150 per month from July 2024 onwards.
4. At the time of the hearing the sum of £1777 £0.20 was due.
5. The respondent lived alone at the property.
6. The respondent had not engaged with the applicant in terms of setting up a payment plan
7. There were more than three months consecutively where rent arrears existed.

- Reasons for Decision

The applicant had provided paperwork that set out the position to the tribunal. The applicant had showed that the respondent was paying £150 per month less than the rent was due over a period of more than 12 consecutive months. Despite the applicant's best efforts to try to engage with the respondent to deal with this issue the respondent had made no contact with the applicant. The respondent lived at the property on his own. There were two bedrooms in the property. Initially the respondent lived there along with his partner and children. The respondent had not engaged with the application at all. The tribunal determined that the ground was made out and that it was reasonable in the circumstances to grant the order

- Decision

To grant an order of 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.**

Mark Thorley

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Legal Member/Chair

Date: 15/10/2025