



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 18 of the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/2358

Re: Property at 39 Hurrier Drive, Twechar, East Dunbartonshire, G65 9RR (the Property)

Parties:

Places for People Scotland Ltd, 1 Hay Avenue, Edinburgh, EH16 4RW (the Applicant)

Patten & Prentice LLP, 2 Ardgowan Square, Greenock, PA16 8PP (the Applicant's Representative)

Ms Karen McCafferty, 39 Hurrier Drive, Twechar, East Dunbartonshire, G65 9RR (the Respondent)

Tribunal Members:

Ms Susanne L. M. Tanner K.C. (Legal Member)

Mr Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal):

(i) is satisfied that the tenant has persistently delayed paying rent which has become lawfully due and that Ground 11 in Schedule 5 of the 1988 Act is established;

(ii) is satisfied that some rent lawfully due from the Respondent was unpaid on the date on which the proceedings for possession began and was in arrears at the date of the service of the notice relating to those proceedings and that Ground 12 in Schedule 5 of the 1988 Act is established; and

(iii) is satisfied in terms of sections 18(4) and (4A) of the 1988 Act that it is reasonable to make an order for possession; and

(iv) made an order for possession in terms of Grounds 11 and 12 in Schedule 5 of the 1988 Act.

The decision of the tribunal was unanimous.

Statement of Reasons

1. The Applicant's Representative made an application to the tribunal on 3 June 2025, in terms of Section 18 of the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks an order for possession in terms of Grounds 11 and 12 in Schedule 5 of the 1988 Act.
3. The Applicant's Representative lodged a paper apart and supporting documents with the Application:
 - 3.1. Tenancy agreement dated 23 November 2017;
 - 3.2. Form AT5 dated 23 November 2017;
 - 3.3. Covering letter to the Respondent re. pre action and Guidance notes dated 12 March 2025;
 - 3.4. Covering letter to the Respondent with Form AT6 re. Grounds 11 and 12, Notice to Quit, Section 33 Notice and guidance notes dated 27 March 2025, together with an execution of service by Sheriff Officer;
 - 3.5. Copy of rent increase notice to tenant dated 26 April 2023;
 - 3.6. Copy of rent increase notice to tenant dated 10 April 2024;
 - 3.7. Rent statement as of 28 May 2025;
 - 3.8. Notice under Section 11 of the Homelessness etc. (Scotland) Act 2003 dated 28 May 2025; and
 - 3.9. Letter to the Respondent re. pre action requirements dated 28 May 2025.
4. The tribunal's administration obtained the Title Sheet to the property on 6 June 2025 which shows that the Applicant is the registered proprietor of the Property.
5. The Application was accepted for determination and a Case Management Discussion (CMD) was fixed for 10 December 2025 at 1000 by teleconference.
6. By letter of 21 October 2025, parties were notified by letter of the date, time and place of the CMD and told that they were required to attend. Parties were also advised in the same letter that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the Application, which may involve making or refusing an eviction order. If parties do not attend the CMD this will not stop a decision or order being made by the tribunal if the tribunal considers that it

has sufficient information before it to do so and the procedure has been fair. The Respondent was asked to submit any written representations to the tribunal's offices by 11 November 2025.

7. The Application paperwork and notification of the date, time and place of the CMD was served on the Respondent by Sheriff Officers on 24 October 2025.
8. The Respondent did not submit any written representations or make any contact with the tribunal's administration before the CMD.
9. The Applicant's Representative submitted two updated rent statements to the tribunal in connection with the conjoined payment application CV/25/2359 on 21 October 2025 and 17 November 2025.

Case Management Discussion (CMD): 10 December 2025 at 1000 by teleconference

10. The Applicant's Representative, Mr O'Donnell, solicitor, attended.
11. The Respondent did not attend. The tribunal was satisfied on the basis of the certificate of service by Sheriff Officers that she had received the Application paperwork and notification of the CMD. The tribunal decided to proceed in her absence on the basis of the information before it and representations of the Applicant's Representative in terms of Rule 29 of the 2017 Rules.
12. Mr O'Donnell said that as far as he has been made aware the Respondent is still residing in the Property. There has not been any contact between the Applicant and Respondent since February 2025, when a welfare check was carried out by a member of staff at the Applicant's Scottish office. They delivered a pre action letter. The door was answered by the tenant. She explained that her telephone was broken and she was asked to contact Touchstone at her earliest convenience. There was some damage to the door as a result of an earlier incident and photographs were taken. Mr O'Donnell's instructions are silent as to whether the Applicant has attended at the Property since February 2025. He has been told that there has been no engagement from the Respondent despite attempts by the Applicant to contact her. Mr O'Donnell also noted that the Respondent was copied into the two applications in the civil case to increase the sum sued for, on 21 October 2025 and 17 November 2025.
13. The tribunal noted that the two updated rent statements lodged on 21 October 2025 and 17 November 2025 had not been formally lodged in the eviction application. Mr O'Donnell moved to lodge them in the eviction application and the tribunal allowed their late lodging on the basis that the Respondent had received them in connection with the conjoined application.

14. Mr O'Donnell sought an order for possession on Grounds 11 and 12 in Schedule 5 to the 1988 Act. This is a short assured tenancy dated 23 November 2017. Mr O'Donnell stated that the tribunal will see that the rental account was largely maintained for a fairly lengthy period of time. There was a dip from around roughly May 2023 until December 2023 although the tenant appeared to have got the arrears back on track. The debt started to accrue in December of 2024 when rent was missed. There was no further payment until a single payment of £1200 was made in March 2025. Mr O'Donnell referred to the rent statement lodged on 17 November 2025 which shows arrears of £9147.28 to 30 November 2025. Mr O'Donnell said that a further rent statement has been produced but it has not been apportioned to 10 December 2025. He relied on the rental arrears figure as at 30 November 2025. Mr O'Donnell referred to pre action correspondence which was issued to the Respondent and is lodged. He stated that the Notice to quit, section 33 and AT6 were served on 27 March by Sheriff Officer. A further pre action letter was sent on 28 May 2025 by the Applicant's Representative. There was no response to that. No payment was made. The action was then raised.
15. Mr O'Donnell submitted that Grounds 11 and 12 are satisfied. He stated that at the date of service of the Notice on 27 March 2025 the arrears were £2105.00. The arrears at the date of raising of the action were £3789.76. They have since increased to what they stand at today (£9147.28 as at 30 November 2025). There has not been any payment since March when a payment of £1200 was made. He added that current monthly rent is £892.92 and that nine further monthly rental charges have accrued on the account without payment.
16. Mr O'Donnell made submissions on reasonableness. He submitted that it would be reasonable for the order for possession to be granted. He stated that the arrears are now excessive. There has not been any payment in over nine months despite attempts to contact the Respondent. There is no repayment proposal. The Respondent has not lodged any written representations nor appeared in the proceedings. Mr O'Donnell outlined the Respondent's personal circumstances as known to the Applicant. She is 64 years old. At the time she applied for the tenancy it was on the basis of residing at the property with her two sons who would now be 24 and 33. Mr O'Donnell tried to find out from the Applicant whether either or both of them still reside at the property but it was not known by the Applicant. At the time of the start of the tenancy in 2017 the Respondent was employed by Glasgow City Council as a residential worker. Mr O'Donnell does not have any additional information on the Respondent's circumstances. He has not been made aware that she has received any benefits. He stated that looking at the rent statement it would appear that rent payments were being made by the Respondent directly. He stated that the Property has not been adapted for disability so far as he has been made aware.

17. The tribunal requested further information about what efforts had been made since February 2025 to engage with the tenant. The tribunal adjourned to allow Mr O'Donnell to take instructions from the Applicant.
18. Mr O'Donnell stated that he had been told that since the welfare check in February 2025, an employee of the Applicant (in an English office) has personally tried to contact the Respondent in March 2025 by leaving a voicemail requesting a telephone call; on 10 April 2025 by email; on 6 May 2025 by mail; on 3 June 2025 by email; on 17 June 2025 by telephone, leaving a voice message; on 24 September 2025 by email (receiving a postmaster undeliverable response by email); and by email on 22 October 2025. There is nothing to suggest that that email bounced back. Mr O'Donnell's firm has also copied the same email address in the applications to increase the sum sued for in the conjoined civil claim and there is no evidence of an undeliverable message. Mr O'Donnell had no information about any further personal visits after February 2025. He stated that it would be the Scotland office which deals with personal visits. The Applicant's system does not show any visits. That information would need to be obtained from the Scotland branch.

19. The tribunal makes the following findings-in-fact:

- 19.1. The Applicant is the registered proprietor of the Property.
- 19.2. There is a short assured tenancy between the Applicant and the Respondent for the Property which began on 23 November 2017 and lasted until 24 May 2018 and then continued by tacit relocation on a monthly basis.
- 19.3. A pre action letter was sent to the Respondent by the Applicant's Representative on 12 March 2025.
- 19.4. The Respondent's rent arrears as at 12 March 2025 were £2105.00.
- 19.5. The AT6 Notice dated 27 March 2025 seeking possession on Grounds 11 and 12 was served on the Respondent on 27 March 2025 by Sheriff Officer.
- 19.6. At the time of service of the AT6 Notice, the Respondent's rent arrears were £2105.00.
- 19.7. Pre-action protocol correspondence was sent to the Respondent on 28 May 2025.
- 19.8. The Application to the tribunal was made on 3 June 2025.

- 19.9. At the time of proceedings commencing, the Respondent had rent arrears of £3789.76.
- 19.10. The Applicant has given to the Respondent at least two months' notice stating that they require possession of the Property.
- 19.11. The Respondent has accrued further rent arrears since the AT6 notice was served.
- 19.12. Between December 2024 and 10 December 2025, the Respondent has made a single payment of rent of £1200.00 on 4 March 2025.
- 19.13. As at 30 November 2025, the rent arrears were £9147.28.
- 19.14. At the start of the tenancy in 2017 the Respondent lived in the Property with her two sons.
- 19.15. The Respondent's sons are now on or about 24 and 33.
- 19.16. At the start of the tenancy the Respondent was employed by City of Glasgow Council.
- 19.17. The Applicant carried out a welfare check on the Respondent at the Property in February 2025.
- 19.18. Since the welfare check in February 2025, the Applicant has personally tried to contact the tenant on the following occasions by phone and email: in March 2025 by leaving a voicemail requesting a telephone call; on 10 April 2025 by email; on 6 May 2025 by mail; on 3 June 2025 by email; on 17 June 2025 by telephone, leaving a voice message; on 24 September 2025 by email (returned as undeliverable); and by email on 22 October 2025.
- 19.19. The Applicant's Representative sent correspondence to the Respondent with rent statements on 21 October 2025 and 17 November 2025.
- 19.20. The Respondent has not responded to contact from the Applicant or the Applicant's Representative, nor has she entered into any payment plan for the rent arrears.

Discussion

19.21. The Respondent did not engage with the proceedings. There is no opposition to the application for an order for possession of the Property on Grounds 11 and 12 of Schedule 5 to the 1988 Act.

19.22. The tribunal is satisfied that the requirements of Grounds 11 and 12 of Schedule 5 to the 1988 Act are met. Reference is made to the findings of fact on rent arrears at the relevant dates and persistent late payment of rent. The tenant has persistently delayed paying rent which has become lawfully due. Some rent lawfully due from the Respondent was unpaid on the date on which the proceedings for possession were begun and the Respondent was in arrears at the date of the service of the notice under that section relating to those proceedings.

19.23. The tribunal is satisfied that it is reasonable to make an order for possession of the Property. Reference is made to the tribunal's findings in fact. The Respondent continues to have substantial rent arrears and has failed to engage with the Applicant and the Applicant's Representative despite repeated attempts to engage with her over many months. The Respondent has not engaged with the tribunal proceedings and there is no opposition to the Application.

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.

Susanne Tanner

Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair

10 December 2025