

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/EV/25/2405

Re: Property at 47 0/2 Springbank Gardens, Glasgow, G31 4QN (“the Property”)

Parties:

LAR Housing Trust, Buchan House, Enterprise Way, Carnegie Campus, Dunfermline, KY11 8PL (“the Applicant”)

Ross Campbell, 47 0/2 Springbank Gardens, Glasgow, G31 4QN (“the Respondent”)

Tribunal Members:

Joel Conn (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. This is an application by the Applicant for an eviction order in regard to a Private Residential Tenancy (“PRT”) in terms of rule 109 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended (“the Rules”). The PRT in question was by the Applicant to the Respondent commencing on 21 November 2024.
2. The application was dated 5 June 2025 and lodged with the Tribunal on that date. The application relied upon a Notice to Leave dated 20 March 2025 in terms of section 50 of the *Private Housing (Tenancies) (Scotland) Act 2016*, intimated upon the Respondent by email (in terms of the Tenancy Agreement). (The date of the email was not included in the papers due to the format in which it was lodged but no dispute was made as to the date of intimation.) The Notice relied upon Ground 12 of Schedule 3 Part 1 of the 2016 Act, relying on arrears

of £2,128.61 as at the date of the Notice. The Notice stated that rent was £639.46 per month. The Notice intimated that an application to the Tribunal would not be made before 20 April 2025. The Tenancy Agreement lodged with the application showed that rent was £639.46 per month and due on the 1st of each month. The rent arrears in the Notice to Leave thus amounted to over three months of arrears.

3. Evidence of a section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* served upon Glasgow City Council on 5 June 2025 was provided with the application. There was evidence in the application papers of provision of the pre-action protocol information by the Applicant to the Respondent by emails dated 17 January and 2 May 2025.
4. Prior to the case management discussion ("CMD") the Applicant provided an updated rent statement showing arrears of rent of £7,333.81 for the period to 30 November 2025. It further showed that the monthly rent had increased to £661.84 from 1 August 2025.

The Hearing

5. The matter called for a CMD of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 4 December 2025 at 10:00. We were addressed by the Applicant's agent, Kirstie Donnelly, solicitor, TC Young. There was no appearance from the Respondent.
6. We were informed by the clerk that no contact had been received from the Respondent (or on his behalf) with the Tribunal. The Applicant said that no communication had been received from the Respondent since around April 2025. She explained that in February 2025, the Respondent had made contact to say that he had sought advice from the Citizens Advice Bureau and SafeDeposits Scotland. The Applicant received no contact from either. Thereafter, in March 2025, the Respondent made contact saying he was in new employment and that he sought to make a proposal. The Applicant suggested £300 per month towards arrears which the Respondent accepted in April 2025 (along with providing evidence from his new employers to suggest that the payment was affordable). No payments were, however, made. In fact, the Respondent had made only a single rent payment since the commencement of the Tenancy (which was relied upon both in regard to this application and a conjoined case on rent arrears: CV/25/2408). The Applicant's agent further stated that the Applicant was separately advancing an application for access so as to undertake annual safety checks. A date was set for voluntary access, in terms of that separate process, for 28 November 2025 but the Respondent did not provide access (and a formal order for access will likely be sought). On 28 November 2025, the Applicant's inspector noted that, from what could be seen through windows, the Property was still occupied.
7. We noted that the Respondent had received clear intimation of the CMD by the Sheriff Officer instructed by the Tribunal. Having not commenced the CMD until around 10:05, we were satisfied to consider the application in the Respondent's

absence. In any case, no attempt was made by the Respondent (nor anyone on his behalf) to dial in late to the CMD.

8. We sought oral submissions on specific matters and noted the following points from the application papers and submissions:
 - a. The Respondent has made a single payment of rent of £639.46 on 10 December 2024. (He had failed to make the initial rental payment for the part-month of 21 to 30 November 2024, and then made his only rent payment 9 days late.) No further payments have been made.
 - b. A payment proposal was made but not undertaken (as reviewed above).
 - c. A further month of rent fell due on 1 December 2025 and arrears were now £7,995.65 for the period to 31 December 2025.
 - d. The monthly rent for the property is to be paid on the 1st of every month.
 - e. The monthly rent was £639.46 until 31 July 2025. It increased to £661.84 on 1 August 2025.
 - f. The Respondent was over 12 months in arrears as at the date of the CMD.
9. The Applicant's agent provided further oral submissions on the background in regard to the reasonableness of the application:
 - a. The Property was a flat, though the number of rooms was not known.
 - b. The Property was not believed to be specially adapted for the use of the Respondent, nor especially suitable for his needs.
 - c. The Respondent was believed to be in employment, at least since March 2025.
 - d. There was no evidence of the Respondent seeking benefit payments nor of any issue with receipt of benefits.
 - e. The Respondent was believed to have a two-year old son but it was not known if he resided at the Property at any time.
10. No motion was made for expenses.

Findings in Fact

11. On 21 November 2024, the Applicant let the Property as a Private Residential Tenancy to the Respondent with commencement on 21 November 2024 ("the Tenancy").
12. In terms of clause 7 of the Tenancy Agreement, the Respondent required to pay rent in advance on the 1st day of each month.
13. The monthly rent was £639.46 until 31 July 2025. It increased to £661.84 on 1 August 2025.
14. As of 20 March 2025, the Respondent was in arrears of rent of £2,128.61 having failed to make full and regular payment of rent from 1 December 2024 until that date.

15. On 20 March 2025, the Applicant drafted a Notice to Leave in correct form addressed to the Respondent, providing the Respondent with notice, amongst other matters, that he was in rent arrears of £2,128.61.
16. The Notice to Leave provided the Respondent with notice that no application would be raised before the Tribunal prior to 20 April 2025.
17. The Applicant served a copy of the Notice to Leave on the Respondent by email on or about 20 March 2025.
18. The Applicant raised proceedings on 5 June 2025 for an order for eviction with the Tribunal, under Rule 109, relying on Ground 12 of Schedule 3 Part 1 of the 2016 Act.
19. A section 11 notice in the required terms of the Homelessness Etc. (Scotland) Act 2003 was served upon Glasgow City Council by the Applicant.
20. The Respondent undertook in April 2025 to make payment towards arrears but failed to do so.
21. The Respondent has failed to make any payment towards rent since 10 December 2024.
22. The rent has been in arrears to some extent since the commencement of the Tenancy.
23. As of 4 December 2025, the Respondent remains in arrears of rent in the amount of £7,995.65 which is equivalent of over 12 months of rent.
24. The Respondent does not claim to have paid any amount of the arrears of £7,995.65 remaining as at 4 December 2025.
25. The sum of arrears remaining as of 4 December 2025 is neither wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, other than any referable to an act or omission of the Respondent.
26. The Property is not specially adapted for the use of the Respondent nor is its location specifically suitable for the Respondent's needs.
27. The Applicant provided the Respondent with information in terms of the pre-action protocol requirements by email on 17 January and 2 May 2025.
28. Intimation of the date and time of the CMD was given to the Respondent by Sheriff Officer on 20 October 2025.

Reasons for Decision

29. The application was in terms of rule 109, being an order for eviction from a PRT. We were satisfied on the basis of the application and supporting papers that the Notice to Leave had been correctly drafted and served upon the Respondent in respect of the interests of the Applicant.
30. Ground 12 of Schedule 3 to the 2016 Act (as amended and applying to this application) applies if:
- (1) *...the tenant has been in rent arrears for three or more consecutive months. ...*
 - ...
 - (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.*
 - ...
31. The arrears information provided at the CMD clearly showed that Ground 12 was satisfied in regard to the length of arrears and amount outstanding. There is nothing to suggest that the Respondent's failure to pay is related to an issue with benefits. Ground 12 is satisfied subject to paragraph 3(b) regarding reasonableness.
32. We require, in terms of the Act as currently amended, to consider the reasonableness of the application even in regard of persistent arrears. We were satisfied that the Applicant's reasons for seeking eviction were reasonable given the amount and duration of the arrears. There was an absence of any proper engagement by the Respondent on payment of the arrears. His communication with the Applicant, from February to April 2025, suggested he was aware of his situation and that he wished to address it. This was met by a clear willingness by the Applicant to engage and seek rehabilitation of the arrears position but thereafter the Respondent failed to make payment. The Respondent did not appear or provide submissions in regard to any issue, including reasonableness. In all the circumstances, we were satisfied that it was reasonable to evict on the basis of the information before us.

33. The Rules allow at rule 17(4) for a decision to be made at a CMD as at a hearing before a full panel of the Tribunal. On the basis of the information held, we are thus satisfied to grant an order for eviction at this time. Due to the upcoming festive period and particularly the public holidays at the start of 2026, we suspended the eviction until 12:00 on 9 January 2026.

Decision

34. In all the circumstances, we grant an order against the Respondent for eviction from the Property under section 51 of the *Private Housing (Tenancies) (Scotland) Act 2016* further to ground 12 of Schedule 3 of that Act, suspended as stated above.

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.

Joel Conn

Legal Member/Chair

Date: 4 December 2025