



**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/25/2472**

**Re: Property at 2d Hastings Square, Darvel, East Ayrshire, KA17 0DR (“the Property”)**

**Parties:**

**RGIP Ltd, Flat 31/1, Broughton Street, Edinburgh, EH1 3JU (“the Applicant”)**

**Jacqueline Hay, 2d Hastings Square, Darvel, East Ayrshire, KA17 0DR (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (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 the order for recovery and possession should be granted in favour of the Applicant. The Order is superseded until 12pm on 2<sup>nd</sup> April 2025.**

**Background**

1. An application was received by the Housing and Property Chamber dated 1<sup>st</sup> June 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016 namely that the Respondent was in three months rent arrears.
2. On 18<sup>th</sup> October 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 2<sup>nd</sup> December 2025 by teleconferencing. The letter also requested all written representations be submitted by 5<sup>th</sup> November 2025.

3. On 16<sup>th</sup> October 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 16<sup>th</sup> October 2025.

#### The Case Management Discussion

4. A CMD was held on 2<sup>nd</sup> December 2025 by teleconferencing. The Applicant was not present but was represented by Mrs Sarah Gallagher, Director, Let Property Management. The Respondent was not present but was represented by Mr Ian Anderson, Advocacy and Tribunal Officer, Ayr Housing Aid Centre.
5. Mrs Gallagher said that the Applicant is still seeking an order for eviction. The arrears have reduced from when the application was lodged. The current arrears are £2500. Direct payments arrived from Universal Credit to reduce the payments. A payment of £375 was made on 20<sup>th</sup> June 2025 from Universal Credit though the rent is £495. On 17<sup>th</sup> July 2025 two payments were made from Universal Credit of £375. The Respondent then contacted to say that she had been made redundant and would have to make manual payments for three months before Universal Credit could start again. Mrs Gallagher said that the Respondent did make those payments. She paid on 1<sup>st</sup> August 2025, 13<sup>th</sup> August 2025 and 12<sup>th</sup> September 2025. From 19<sup>th</sup> September 2025 Universal Credit started again. A payment of £375 was made on 19<sup>th</sup> September 2025. Then subsequent payments have been made at £475 on 20<sup>th</sup> October 2025 and 20<sup>th</sup> November 2025. The Applicant is not concerned in terms of the small shortfall at the moment. The Appellant has 15 rental properties. This property is not subject to a mortgage.
6. The Tribunal noted that the Respondent's representative had motioned in his submission that the Order be superseded for a 3 month period. Mrs Gallagher said that she had spoken to the Applicant regarding this point. The Applicant has no objection to this extension. She has been trying to work with the Respondent but to no avail. The Applicant is most concerned with the return of the Property.
7. Mr Anderson confirmed that, as per his submission, that the Respondent was not opposing the granting of an order but does want it to be superseded for three months. The Respondent is sixth on the local authority housing list. He anticipates that she should be allocated a new property within the three month further period of the superseded extract.
8. Ms Gallagher confirmed that a notice period was not required but she would like to be notified when the Respondent leaves. Mr Anderson said that he will ensure that happens. The Tribunal noted that there is still the legal obligation to continue payments until she leaves. Mr Anderson appreciated that point and will inform the Respondent.
9. The Tribunal found no issues of reasonableness to prevent an order being granted. It did consider it appropriate and reasonable to supersede the extract for three months to 2<sup>nd</sup> April 2026.

### Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 13<sup>th</sup> August 2024.
11. The Respondent persistently failed to pay her rent charge of £495 per month. The rent payments are due to be paid on the first day of each month.
12. The Respondent had been in rent arrears for three or more consecutive months when the notice was served.
13. The Respondent is not opposed to an order for eviction being granted.
14. The arrears are currently £2500. Universal Credit is now in payment.
15. There are no issues of reasonableness that prevent an order from being granted.

### Decision

16. The Tribunal found that ground 12 has been established and granted an order in favour of the Applicant.

### **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.**

# G Miller

**2<sup>nd</sup> December 2025**

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**Legal Member/Chair**

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**Date**