



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 (“the 2016 Act”) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”)

Chamber Ref: FTS/HPC/EV/25/3802

Re: Property at 20, 1/2 Kelvinside Drive, Glasgow, G20 6QD (“the Property”)

Parties:

Mrs Margaret Quinn, Mr Stephen Quinn, 25A, 1/2 Mingarry Street, North Kelvinside, Glasgow, G20 8NS; Unknown, Unknown (“the Applicant”)

Mr Gurjit Singh, 20, 1/2 Kelvinside Drive, Glasgow, G20 6QD (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession of the property be granted.

Background

1. By application received on 5 September 2025, the Applicant applied to the Tribunal for an order for recovery of possession of the property in terms of Section 51 of the 2016 Act against the Respondent. The application sought recovery in terms of Ground 14 (antisocial behaviour) of Schedule 3 to the 2016 Act. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, the Notice to Leave served on the Respondent and related proof of service, the Section 11 Notice to the local authority in terms of the Homelessness (Scotland) Act 2003 with proof of service, email correspondence between a neighbouring resident and the Applicant’s letting agents and some information from Police Scotland.

2. On 4 November 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. On 12 November 2025, a copy of the Application and supporting documentation was served on the Respondent by Sheriff Officer, together with intimation of the date, time and arrangements for a Case Management Discussion ("CMD") to take place by telephone conference call on 12 December 2025. Written representations were invited from the Respondent but none were lodged prior to the CMD.

Case Management Discussion

4. The CMD took place by telephone conference call on 12 December 2025 at 2pm. The Applicant's representative, Mr Jonny Mackenzie, of Yates Hellier Ltd, letting agents was in attendance. The Tribunal delayed the start of the CMD for 5 minutes to see if the Respondent would join late, but he did not.
5. Following introductions and introductory remarks by the Legal Member, the purpose of the CMD was explained. The application was then discussed in detail and Mr Mackenzie answered a number of questions from the Tribunal Members.
6. Mr Mackenzie explained that the Respondent still resided at the Property. Mr Mackenzie has visited him twice at the Property, once in the summer and again, a few weeks ago. He confirmed that the Respondent's English is not very good but that he appeared to have an understanding of the situation and how serious it was. Mr Mackenzie had talked to the Respondent about this CMD approaching and also about the rent arrears situation. Mr Mackenzie confirmed that the arrears had now risen to £5,275 and that they have already initiated a separate application with the Tribunal in respect of the arrears, although this is still in its early stages. The Respondent had drafted a handwritten payment plan which he said he would submit and also offered to make payment towards the arrears of £500 by a certain date, as he was hoping to get back to work but neither of these happened.
7. The neighbours who have contacted the letting agents to complain about the Respondent's conduct have reported that his female partner, involved in a number of the incidents alleged in the supporting paperwork, was no longer living at the Property with the Respondent and had moved out around three months ago. However, neighbours say that two other men now appear to be living at the Property. They have continued to make complaints to the letting agents regarding more recent incidents. Although the letting agents are not aware of the Police having been further involved, neighbours have reported more incidents of noise occurring during the night, such as banging, and them being regularly disturbed through the night. Loud night-time noise was stated to have occurred around 6 August 2025 and again, around 27 October 2025, when it was three or four nights in a row, although the shouting appears to have

stopped. Only one neighbour has provided written complaints to the letting agents but other neighbours have also complained and it is understood that one of those neighbours has provided 'ring-doorbell' footage to the Police in connection with one of the earlier incidents. It is not known to the letting agent whether any of the crime reports have been taken further by the Police as the Police will not disclose such information.

8. Mr Mackenzie confirmed that they had taken over management of this tenancy earlier this year, when they had acquired the business of another letting agent. They were not aware of any issues regarding alleged antisocial behaviour by the Respondent, nor any history of rent arrears at that time and it appeared that these issues have only arisen this year. The tenancy had been ongoing since 2022. The Respondent was the sole tenant in terms of the tenancy. Mr Mackenzie did not know his work or benefits situation and the Respondent had indicated to him that he hoped to secure more work. In the summer, when he visited, Mr Mackenzie said that the Respondent indicated to him that his son, who is around four or five years old, sometimes stayed with him and Mr Mackenzie had noted that he did have a bedroom made up for a child. However, when he visited more recently, the Respondent had stated that his son lived with his mother in Shawlands and no longer stayed with the Respondent, only visited. Mr Mackenzie understands that his son's mother is not the same female who had been mentioned in the previous incidents. The Respondent was asked about the two men reportedly living at the Property but he had stated that they were his brothers and were only visiting. Mr Mackenzie had some concerns about the condition of the Property, which did not appear to be well looked after. There were some holes and other damage to the walls, empty alcohol cans lying around and the curtains were always closed. He said the Property looked very 'tired'. They had wanted to do a full inspection on behalf of the Applicant following on from Mr Mackenzie's visit but the Respondent has not permitted access for this to be done. Mr Mackenzie stated that the neighbour who was the main complainer was retirement age and he thinks she had probably resided there for a long time. He said that she seemed nice and he felt quite sorry for her as she clearly finds the noise disturbance at night upsetting and distressing. She has told the letting agent that she has put notes through the Respondent's door complaining about the noise and had been agreeable to her information being submitted to the Tribunal in support of this application.
9. The Tribunal Members adjourned to consider the application and, on re-convening, confirmed that they were satisfied that the ground for eviction was met and that it was reasonable in all the circumstances for the Tribunal to grant the order sought today. It was explained that the Tribunal had, however, decided to extend the usual timeframe for the eviction to take place by an additional month, to allow the Respondent some additional time to find alternative accommodation, given his circumstances and the approaching festive season.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.

2. The Respondent is the sole tenant of the Property by virtue of a Private Residential Tenancy commencing on 22 June 2022.
3. The Respondent previously had a female partner living with him at the Property, who was not party to the lease, but she has now removed from the Property.
4. The Respondent has a young son who lives with his mother who previously stayed with the Respondent at the Property from time to time, but now only visits.
5. Neighbours report that the Respondent now has two other males staying at the Property with him.
6. The Property is a flat within a block of flats.
7. The Respondent has engaged in a pattern of antisocial behaviour, involving incidents which have taken place at the Property between April and in or around 27 October 2025.
8. The antisocial behaviour has included loud noise, particularly through the night, involving banging, shouting, screaming and arguing and threatening, abusive and violent behaviour by the Respondent towards a female partner who lived with him at the Property until in or around August or September 2025.
9. Prior to these incidents, the Respondent frequently had male visitors at the Property who were noisy through the night, slammed doors and damaged the common close entrance door.
10. Following the Respondent's partner moving out of the Property, the Respondent's antisocial behaviour has continued with noise through the night, mainly banging and loud voices, caused by the Respondent and two other males who stay at the Property.
11. These incidents have occurred regularly, over a period of many months, and have caused neighbours alarm, distress, nuisance, annoyance and disturbed sleep.
12. Neighbours were also fearful for the safety of the Respondent's female partner whom much of the Respondent's conduct was directed towards.
13. Neighbours witnessed the Respondent assaulting his female partner in the common stairwell at the Property, sleeping in the stairwell and frequently heard her screaming and sounding distressed.
14. Neighbours reported incidents to the Police and the Police have provided incident numbers relating to the Property in respect of incidents on 2, 28 and 29 April 2025 and 16 July 2025.

15. The Respondent was arrested on at least one occasion.
16. Neighbours have complained repeatedly to the Applicant's letting agents and one neighbour has prepared and submitted to the letting agents an ongoing written log of incidents occurring.
17. The Applicant's letting agents have investigated the complaints, engaged with the neighbours and the Police, and sought to engage with the Respondent by making him aware of the complaints of antisocial behaviour and discussing the situation with him.
18. The Applicant's letting agents wrote to the Respondent on 22 May 2025 regarding the complaints received and stating that he was in breach of his tenancy conditions and that his antisocial behaviour must be addressed to avoid further action being taken.
19. The letter above was served on the Respondent by Sheriff Officer on 23 May 2025.
20. The letting agents' Operations Manager, Mr Mackenzie, has also visited the Respondent at the Property on two occasions to discuss the situation with him and obtain his comments on the allegations of antisocial behaviour.
21. A Notice to Leave dated 13 June 2025, specifying Ground 14 of Schedule 3 to the 2016 Act, was served on the Respondent by Sheriff Officer on 17 June 2025, specifying the end of the notice period as 16 July 2025.
22. The Tribunal Application was lodged on 5 September 2025.
23. The Respondent has remained in occupation.
24. The antisocial behaviour has continued despite the Respondent being made aware of the neighbour complaints, the Police involvement and the Notice to Leave having been served.
25. The Respondent has accrued rent arrears amounting to £5,275.
26. The condition of the Property appears to have deteriorated and to be poor.
27. The Respondent has not permitted the Applicant's letting agents further access to the Property for purposes of inspection.
28. The Respondent has not lodged any written representations, attended the CMD or otherwise engaged with the Tribunal process.

Reasons for Decision

1. The Respondent did not submit any written representations to the Tribunal and did not attend the CMD, having been properly and timeously notified of same. There was accordingly no issue taken and no contradictory position put forward in respect of the application by the Respondent.
2. The Tribunal was satisfied that the Notice to Leave was in correct form, gave the requisite period of notice of 28 days and that these Tribunal proceedings were thereafter brought timeously, after the date specified in the Notice to Leave, all in accordance with the relevant provisions of the 2016 Act.
3. The Tribunal was also satisfied from the information contained in the application and supporting documentation, together with the detailed oral submissions made by the Applicant's representative at the CMD that all aspects of Ground 14 of Schedule 3 to the 2016 Act, as undernoted, had been met:-

"Anti-social behaviour

14(1) It is an eviction ground that the tenant has engaged in relevant anti-social behaviour.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the tenant has behaved in an anti-social manner in relation to another person,

(b) the anti-social behaviour is relevant anti-social behaviour, and

(c) either—

(i) the application for an eviction order that is before the Tribunal was made within 12 months of the anti-social behaviour occurring, or

(ii) the Tribunal is satisfied that the landlord has a reasonable excuse for not making the application within that period.

(3) For the purposes of this paragraph, a person is to be regarded as behaving in an anti-social manner in relation to another person by—

(a) doing something which causes or is likely to cause the other person alarm, distress, nuisance or annoyance,

(b) pursuing in relation to the other person a course of conduct which—

(i) causes or is likely to cause the other person alarm, distress, nuisance or annoyance, or

(ii) amounts to harassment of the other person.

(4) In sub-paragraph (3)—

- "conduct" includes speech,

- “course of conduct” means conduct on two or more occasions,
- “harassment” is to be construed in accordance with section 8 of the Protection from Harassment Act 1997.

(5) Anti-social behaviour is relevant anti-social behaviour for the purpose of sub-paragraph (2)(b) if the Tribunal is satisfied that it is reasonable to issue an eviction order as a consequence of it, given the nature of the anti-social behaviour and—

(a) who it was in relation to, or

(b) where it occurred.

(6) In a case where two or more persons jointly are the tenant under a tenancy, the reference in sub-paragraph (2) to the tenant is to any one of those persons.”

4. The Tribunal was satisfied in respect of Ground 14 that the Respondent had engaged in relevant antisocial behaviour at the Property in relation to neighbouring residents within the 12 months prior to the Tribunal application being made and that this had caused, or is likely to have caused, those residents alarm, distress, nuisance or annoyance. Given the number of instances of antisocial behaviour, which amounted to a course of conduct, the serious nature of some of the conduct, the fact that neighbours had reported it to the Police and the fact that it occurred at the Property and affected neighbouring residents, the Tribunal was satisfied that it was reasonable to issue an eviction order as a consequence of it. The Tribunal also considered additional factors in respect of reasonableness, including the fairly significant rent arrears now accrued which were not being addressed by the Respondent and the letting agents’ concerns as to the poor condition of the Property and the Respondent’s refusal to allow access for a full inspection to be carried out. In the Tribunal’s view, the letting agents had properly investigated the complaints being made to them regarding the Respondent’s conduct, had made him aware of same and had sought to engage and discuss with him. Despite this, the Respondent appears to have persisted in the anti-social behaviour, particularly in respect of noise disturbances throughout the night, most recently for three or four nights in a row towards the end of October 2025.
5. The Tribunal therefore concluded that the application did not require to go to an Evidential Hearing and that an eviction order could properly be made at the CMD to allow the Applicant to recover the Property.
6. The Tribunal did, however, consider it appropriate to exercise its discretion and extend the usual timeframe for the eviction order being implemented by a period of one month. This was to allow the Respondent some additional time to seek alternative accommodation through the local authority or otherwise, given the forthcoming festive period and holidays. The Tribunal noted that the required Section 11 notification had been served on the local authority by the Applicant on the raising of these Tribunal proceedings, so were aware of the position.

7. The Tribunal's decision was unanimous.

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.

Nicola Weir

Legal Member/Chair

12 December 2025
Date