

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 and Schedule 3 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 (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/1152

Re: Property at 1 St Andrews Ct, Mossend, Bellshill, ML4 1FD (the Property)

Parties:

JP Property Company Limited, Braidhurst Industrial Estate, 19 Newhut Road, Motherwell, ML1 3ST (the Applicant)

Mr Scott Anderson, 1 St Andrews Ct, Mossend, Bellshill, ML4 1FD (the Respondent)

Tribunal Members:

Ms Susanne L. M. Tanner KC (Legal Member)
Mr Robert Buchan (Ordinary Member)

Decision (in absence of the Respondent)

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

(1)(i) was satisfied that Ground 12(1) in Schedule 3, Part 3 to the 2016 Act was established by the Applicant, in that for three or more consecutive months the Respondent had been in arrears of rent; and (ii) was satisfied that it was reasonable on account of that fact to issue an eviction order; and
(2) made an order for eviction in terms of Section 51 of the 2016 Act.

The decision of the tribunal was unanimous.

Statement of Reasons

Procedural Background

1. On 17 March 2025, the Applicant's Representative made an application to the tribunal in terms of 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 (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. At that time the Applicant sought the Respondent's eviction from the Property in terms of Section 51 of the 2016 Act under Grounds 8, 11 and 12 of Schedule 3 to the 2016 Act. The Application was later amended by the Applicant to proceed on the basis that the tenant has been in arrears or rent for three or more consecutive months (ground 12 of Schedule 3) (see below).
3. The Applicant provided the following documents in support of the Application:
 - 3.1. Private Residential Tenancy Agreement;
 - 3.2. Copy of Section 11 notice sent to the local authority and proof of delivery;
 - 3.3. Correspondence with the Respondent; and
 - 3.4. Rent statement.
4. Further information was requested by a legal member of the tribunal acting under the delegated powers of the tribunal president, namely:
 - 4.1. A copy of the Notice to Leave dated 3 February 2025 with evidence of service; and
 - 4.2. Evidence of compliance with the rent arrears pre action protocol.
5. On 13 May 2025, further information was requested by a legal member of the tribunal acting under the delegated powers of the tribunal president, namely:
 - 5.1. A copy of a Notice to Leave with three or more consecutive months of rent arrears, with evidence of service.
6. An amended Application was submitted on 25 June 2025, proceeding on the basis that the tenant has been in arrears or rent for three or more consecutive months.
7. The tribunal's administration obtained a copy of the title deeds for the Property which show that the Applicant has been the registered proprietor since 16 September 2022.
8. The tribunal confirmed that the Applicant is the registered landlord with Landlord Registration Scotland.

9. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 28 November 2025 at 1400h.
10. The tribunal sent letters of notification to all parties dated 21 October 2025 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondent was invited to make written representations in response to the Application by 11 November 2025. Both parties were advised that they were required to attend the CMD. The parties were advised 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. The parties were also advised that if they do not attend the CMD this would not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair.
11. Service of the Application paperwork and notice of the CMD on the Respondent at the Property was by Sheriff Officers.
12. The Respondent did not submit any representations in the specified time period. The Respondent did not make any contact with the tribunal.

CMD: 28 November 2025, 1400h, Teleconference

13. Mr Mark Mitchell and Ms Lorraine Tolson attended from the Applicant's representative.
14. The Respondent did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing have been duly complied with and proceeded with the application upon the representations of the party present, in term of Rule 29 of the 2017 Rules.
15. The Respondent has not opposed the application for an eviction order or lodged any defence.

Applicant's submissions

16. The Applicant moved for an eviction order to be made on the basis of Ground 12, namely that the Respondent had been in arrears of rent for three consecutive months. The current arrears as at 28 November 2025 are £4150.00.

17. The rent statement in the case papers extended to July 2025. An updated rent statement was lodged late during the CMD, with the consent of the tribunal. The current rent arrears are shown as £4150.00. Rent of £550.00 is due on 23rd of each month. The Applicant stated that the Respondent paid no rent at all from 23 November 2024 until 17 October 2025, when a cash payment of £2000 was handed into the Applicant's office. A further cash payment of £1000 was paid by the Respondent to Mr Mitchell on 19 November 2025 at the Property, when Mr Mitchell attended to visit another tenant in the block of 6 properties.
18. The Applicant explained that the Respondent's adult daughter used to live in the Property with the Respondent until around December 2024. Rent payments were made by bank transfer from both of their accounts. After she moved out, the Respondent became increasingly difficult to contact and he stopped making rent payments. The Applicant stated that the Respondent has barely responded to any communication over the period of arrears. The Applicant has sent pre-action protocol letters. The Applicant has tried to contact the Respondent at the Property. The Applicant's administrator has sent out reminders about missed rent payments as they fall due.
19. The Applicant explained that on the few occasions that there has been any contact with Respondent he has made excuses about non payment of rent and has offered to discuss a payment plan but that he has never entered into a payment plan and there were no payments made for 10 months from November 2024 until October 2025. The Applicant's excuses for non-payment have included downturn in business as a joiner, repairs to his work van, payment of labourers and employees, purchase of supplies and non-payment or late payment of customers. The Applicant understands that the Respondent is self-employed as a joiner. He drives a business vehicle with his name, number and business on the side.
20. The Property is a two bedroomed property and is being let at below the rate for the area. The Applicant said it has tried to be reasonable but that they cannot continue with the current level of rent arrears and intermittent payments of rent. They own the building and there are costs for insurance, repairs, remedial works, upgrades to the doors and entry system, cleaning and gardening. They rely on payment of rent to meet the outgoings for the building.

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

- 21.1. The Applicant is the proprietor of the Property.

- 21.2. There is a private residential tenancy agreement between the Applicant and the Respondent for the Property which began on 23 February 2023.
- 21.3. Rent is payable at the rate of £550.00 per calendar month in advance from the start of the tenancy on 23rd of each month.
- 21.4. On 27 May 2025, a Notice to Leave containing ground 12 of Schedule 3 to the 2016 Act was served on the Respondent.
- 21.5. As at 28 November 2025, the rent arrears were £4150.00.
- 21.6. The Applicant has given the Respondent at least 28 days' notice that he requires possession.
- 21.7. The amended Application to the tribunal was made on 25 June 2025.
- 21.8. There have been consecutive arrears of rent for over one year.
- 21.9. As at 28 November 2025, there have been rent arrears for more than three consecutive months.
- 21.10. The Respondent continues to reside in the Property.
- 21.11. The rent arrears are not a consequence of delay or failure in payment to the Respondent of relevant benefits.
- 21.12. The Respondent has not opposed the application for eviction.

Discussion

22. The order for eviction is sought in terms of Section 51 and paragraph 12(2) of Schedule 3 to the 2016 Act. The tribunal is satisfied that the facts required in paragraph 12(2) of Schedule 3 to the 2016 Act have been established.
23. In relation to reasonableness, reference is made to the tribunal's findings in fact. The Respondent has not opposed the application for eviction. He has not produced any defence. He has had the opportunity to obtain legal or housing advice. There is no evidence that he is on any relevant benefits or that there is any other reason why it would not be reasonable to evict him from the Property. The tribunal was satisfied that it was reasonable to evict the Respondent in the circumstances of the case.

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.

28 November 2025

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