

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)**

Chamber Ref: FTS/HPC/EV/25/2911

Re: Property at 12 Atholl Place, Linwood, PA3 3QZ (“the Property”)

Parties:

MQ1 Properties Ltd, 13 Braidholm Road, Giffnock, Glasgow, G46 6HJ (“the Applicant”)

Mr Richard Shankland, Ms Jamie-Marie Byth, 12 Atholl Place, Linwood, PA3 3QZ (“the Respondents”)

Tribunal Members: Virgil Crawford (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondents)

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

BACKGROUND

1. By lease dated 25 February 2023 the Applicant let the Property to the Respondents.
2. The start date of the tenancy was 28 February 2023.
3. Rent is payable at the rate of £995.00 per calendar month.
4. The Respondents fell into arrears of rent. As of 5 December 2023 arrears of rent amounted to £592.50. While payments were made after then, the Respondents remained in arrears of rent continuously thereafter.

5. A Notice to Leave dated 7 July 2025 was served upon the Respondents. As at that date arrears of rent amounted to £3,452.50.
6. The Applicant thereafter presented an Application to the Tribunal seeking an order for eviction.
7. A Notice in terms of s11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the Local Authority.

THE CASE MANAGEMENT DISCUSSION

8. A Case Management Discussion was held by teleconference on 19 January 2026 at 2pm. The Applicant was represented by Mr C Thomas of Hames Estates Ltd. The Respondents did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondents. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondents in accordance with Rule 29 of the FTT regs
9. Mr Thomas moved the Tribunal to grant an order for eviction.
10. In relation to arrears of rent, these now amounted to £10,417.00. No payment had been received from the Respondents following a payment of £300.00 received on 25 April 2025.
11. In relation to the personal circumstances of the Respondents, at the commencement of the tenancy the Respondents had four children. It is understood that at least one will now be an adult. The information available to the Applicant, however, is that the Respondents are now separated. It is understood the Second Named Respondent, Miss Byth has vacated the premises along with the children and they are now living elsewhere. The Applicant's representatives have had no contact with her for some time.
12. The Applicant's representatives have had contact with the First Named Respondent Mr Shankland. The contact with him suggests, similarly, that the couple are now separated and that the Second Named Respondent no longer resides at the Property. It appears that the First Named Respondent may also now have vacated the Property.
13. The last time the Applicant's representative attended at the Property there was a bag of refuse outside the door within the communal landing. It appeared it had been placed there by a person who had been clearing the Property. When Mr Thomas looked through the kitchen window, there was a

space where the fridge freezer used to be. The absence of a fridge indicated to Mr Thomas that there was no longer a family occupying the Property.

14. Mr Thomas has had some recent contact with the First Named Respondent by text message. Following information which suggested the Property was being vacated, Mr Thomas forwarded a text message enquiring if Mr Shankland had finished up and suggesting that he post the keys for the Property through the letterbox. On 5 January 2026 he received a reply from Mr Shankland as follows:-

“If you like I can meet you there tomorrow morning at a time that suits you. She has still to clear the cellar and pick up a few bits from the hallway.”

Mr Thomas responded saying:-

“Hi Richard. Thanks for the update. For ease, can you drop the keys through the letterbox as Jamie has now moved out. If she then needs further access for final stuff in the hall we can go by to assist.”

No further response was received from Mr Shankland. Mr Thomas forwarded further text messages to Mr Shankland on 7th, 8th, 9th, 12th and 16th January 2026, all without response.

15. Throughout the tenancy, any payments of rent which were made, as far as the Applicant is aware, were from Mr Shankland's income. To the knowledge of the Applicant, no housing benefit or housing element of any other benefit was in payment to the Respondents.
16. In the circumstances, the Tribunal considered it reasonable to grant an order for eviction.

FINDINGS IN FACT

17. The Tribunal found the following facts to be established:-
- a) By lease dated 25 February 2023 the Applicant let the Property to the Respondents.
 - b) The start date of the tenancy was 28 February 2023.
 - c) Rent is payable at the rate of £995.00 per calendar month.
 - d) The Respondents fell into arrears of rent. As of 5 December 2023 arrears of rent amounted to £592.50. The Respondents remained in arrears of rent continuously thereafter.
 - e) A Notice to Leave dated 7 July 2025 was served upon the Respondents. As at that date arrears of rent amounted to £3,452.50.
 - f) As at 19 January 2026 arrears of rent amounted to £10,417.00.
 - g) The Respondents have been in arrears of rent for three or more consecutive months.
 - h) A Notice in terms of s11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the Local Authority.

REASONS FOR DECISION

18. The Applicant presented an Application to the Tribunal seeking an eviction order following a lengthy period where rent had been in arrears. The information available to the Tribunal was:-

- a) the Respondents are in arrears of rent, the arrears now exceeding £10,000.00,
- b) the Respondents did not participate in the Case Management Discussion and have not opposed the Application for an eviction order,
- c) the Second Named Respondent has already vacated the Property,
- d) the First Named Respondent appears also to have vacated the Property.
- e) There is no suggestion that arrears of rent are as a result of any delay or failure in the payment of any relevant benefit.

19. In all the circumstances, there was no information before the Tribunal to enable it to determine it was anything other than reasonable to grant an order for eviction.

DECISION

The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 25 February 2026

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.

Virgil Crawford

Legal Member/Chair

Date 19 January 2026

