



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/EV/25/0083

Property at Flat 3/1, 51 Larkfield Gate, Glasgow, G42 7BT (“the Property”)

Parties:

C-urb 6 Ltd, Link House, 2c New Mart Road, Edinburgh, EH14 1RL (“the Applicant”)

Mr Grant Curran, Flat 3/1, 51 Larkfield Gate, Glasgow, G42 7BT (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant. The Tribunal also ordered a delay in execution of the order until 9 April 2026 in terms of Rule 16A(d) of the Procedure Rules 2017.

Background

1. The Applicant lodged an application for an eviction order in terms of Section 51 and grounds 12 and 14 of Schedule 3 to the 2016 Act. The application was served on the Respondent, and both parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 6 August 2025 at 2pm.
2. Prior to the CMD, the Applicant lodged an updated rent statement. The Tribunal also received an email from a solicitor who had been instructed by the Respondent with a request for the case papers. On 5 August 2025 at 5.30pm the solicitor, Ms Moon, emailed the Tribunal to advise that she would be unable to represent the Respondent as one of the grounds is based on antisocial behaviour and her organisation is unable to deal with cases based on this

ground. She confirmed that she would attend the CMD to confirm this, as the Respondent would be unable to get time off work at short notice. However, she intended to ask for the case to be continued so that the Respondent could instruct another representative.

3. The CMD took place on 6 August 2025. The Applicant was represented by Ms Preece with Mr Moodie and Mr Brown also participating. Ms Moon also participated.
4. Ms Preece confirmed that she had received a copy of Ms Moon's email shortly before the CMD. She said that the Applicant intended to rely on grounds 12 and 14. The Legal Member noted that the application was opposed by the Respondent and advised the parties that the case would be continued to an evidential hearing.
5. Ms Moon advised the Tribunal that she had taken instructions from the Respondent in relation to ground 12. She said that he opposed the eviction order on grounds of reasonableness. She stated that there are three children living at the property with the Respondent. He was previously in the army and has mental health issues. He was getting advice on his financial difficulties and hoped to receive a lump sum from a charity that helps members of the armed forces, to pay to the arrears.
6. The Legal Member noted that the Applicant had not provided any evidence of antisocial behaviour. Ms Preece said that the Applicant intended to provide evidence during the hearing. The Tribunal noted that the Respondent's position in relation to the allegations of antisocial behaviour was unknown.
7. The parties were advised that a direction would be issued in relation to submissions, documents and witnesses. The Tribunal also determined that the hearing should take place by video conference, if all participants could accommodate this. Otherwise, an in-person hearing would be arranged. The Tribunal also noted that Ms Moon had withdrawn from acting for the Respondent and all future correspondence and documents should be issued to the Respondent by email.
8. As the Respondent failed to confirm if he could participate by video conference, the parties were notified that an in-person hearing would take place at Glasgow Tribunals Centre on 15 January 2026. Prior to the Hearing the Applicant lodged an updated rent statement. The Respondent did not lodge any documents or submissions. On 6 January 2026, the Respondent requested a postponement of the Hearing as he had only recently noticed the email with the date of the hearing and needed time to instruct a solicitor. The Tribunal noted that the Respondent had been aware that his previous agent had withdrawn in August 2025 and should have taken steps to seek a new representative at that time. The request was refused.
9. The Hearing took place on 15 January 2026. The Applicant was represented by Ms Preece, solicitor. Ms Hallis, an employee of the Applicant also attended, and two further members of staff were present as observers. The Respondent

also attended. The Hearing started late as the parties has requested time to discuss the application as well as the related application for a payment order under Chamber reference CV/25/3369, which was also being considered at the hearing.

The Hearing

10. Ms Preece told the Tribunal that Mr Curran had informed the Applicant that he intends to terminate the tenancy and was willing to consent to an eviction order as long as there is a delay in enforcement of the order for 8 to 12 weeks. She stated that the Applicant was willing to agree to an order on this basis. Ms Preece stated that the order will only be enforced if the Respondent does not terminate the tenancy and vacate the property voluntarily. However, should he change his mind and decide that he wants to stay in the property, the Applicant may be willing to agree to this, if he resumes payments to the rent account and to the arrears. Ms Preece also confirmed that there have been no recent complaints of antisocial behaviour and that this ground was withdrawn. In relation to the payment application, Ms Preece said that the Applicant was seeking a payment order for the sum specified in the updated rent statement but was also content for a delay in enforcement for the same period as the eviction order.
11. Mr Curran told the Tribunal that he does not want to stay in the property and was willing to consent to an eviction order, as long as he gets some time to find alternative accommodation. He confirmed that the property is a one-bedroom flat and although he has three children, they don't live with him. He explained that he has had mental health problems and is on medication prescribed by his doctor. He is currently not working and receives Universal Credit. However, he is hoping to find work. He was previously in the army and applied for assistance with his rent arrears from SSAFA. They said that he was not eligible at that time, but he can apply again this year if he gets into regular work. Mr Curran confirmed that the sum specified in the updated rent statement is due.

Findings in Fact

12. The Applicant is the landlord of the property.
13. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
14. The Respondent is due to pay rent at the rate of £515.28 per month.
15. The Respondent has been in arrears of rent since July 2021, and no payments have been made by the Respondent since February 2025
16. The Respondent currently owes £10,673.10 in unpaid rent.
17. The Applicant served a Notice to leave on the Respondent on 15 July 2025.

18. The Applicant has issued letters in compliance with the rent arrears pre action protocol.
19. The Respondent resides at the property alone.
20. The Respondent does not oppose the application but seeks additional time to find alternative accommodation.
21. The Respondent has suffered from mental health problems and is in receipt of universal credit. He is looking for work.

Reasons for Decision

22. The application was submitted with a Notice to Leave dated 15 July 2025 together with a post office certificate of posting and track and trace report which establish that the Notice was sent to the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 12, rent arrears over three consecutive months. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
23. Section 51(1) of the 2016 Act states, “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”
24. Ground 12 of Schedule 3 (as amended by the Coronavirus (Recovery and Reform (Scotland) Act 2022) states “(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months. (3) The First-tier Tribunal may find that the ground named in 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.”
25. Sub-Paragraph (4) states, “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 Minister in regulations.” Relevant benefits are defined in sub-paragraph (5) and include housing benefit and universal credit. The Pre Action-Requirements Regulations include the provision of clear information relating to the terms of the tenancy agreement, the level of the arrears, the tenant’s rights in relation to eviction proceedings and how the tenant can access information and advice.

26. From the documents submitted, the information provided at the CMD and the evidence led at the hearing, the Tribunal is satisfied that the Respondent currently owes £10,673.10 in unpaid rent and that he has been in arrears of rent for three or more consecutive months, both at the date of service of the Notice to leave and the CMD. Part 1 of Ground 12 is therefore established.

27. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -

- (a) The Respondent does not oppose the application for an eviction order and intends to look for alternative accommodation.
- (b) The Applicant has complied with the Rent Arrears Pre-Action Protocol.
- (c) The rent arrears are not attributable to a delay or failure in the payment of a relevant benefit.
- (d) The Respondent resides at the property alone. Although he has children, they do not reside with him and there is no evidence to suggest that an eviction order will have any impact on his family.
- (e) The arrears are substantial and are increasing. No payments have been made for 12 months.
- (f) The Applicant has stated that the Applicant may be allowed to remain at the property if he resumes regular payments of rent and makes an acceptable payment arrangement in relation to the arrears.

28. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act that ground 12 has been established. For the reasons outlined in paragraph 27, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

29. The parties made a joint request for an order to delay enforcement of the order for 8 to 12 weeks. The Tribunal is satisfied that they should order a delay in execution in terms of Rule 16A (d) of the Procedure Rules 2017 to 9 April 2026.

Decision

30. The Tribunal determines that an eviction order should be granted against the Respondent.

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.

Josephine Bonnar, Legal Member

15 January 2026.