

Housing and Property Chamber  
First-tier Tribunal for Scotland

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**Decision with statement of reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”)**

**Chamber Ref: FTS/HPC/EV/25/1019**

**Re: Flat 1/3, 1 Newhall Street, Glasgow, G40 1AR (“the Property”)**

**Parties:**

**PFPC MMR 1 LP, a limited partnership with registered number SL032749 and having its registered office address c/o Places for People, 1 St. Andrew Square, 2<sup>nd</sup> floor, Edinburgh, EH2 2BD and having a contact address at 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)**

**Mr Scott MacRae, Flat 1/3, 1 Newhall Street, Glasgow, G40 1AR (“the Respondent”)**

**Tribunal Members:**

**Pamela Woodman (Legal Member) and Elizabeth Dickson (Ordinary Member)**

**Present:**

The case management discussion took place at 10am on Thursday 15 January 2026 by teleconference call (“**the CMD**”). The Applicant was not present but was represented by Mr Kenneth Caldwell of Patten & Prentice LLP. The Respondent was not present and was not represented. The clerk to the Tribunal was Kate McLaughlin. This case was conjoined with the case with reference FTS/HPC/CV/25/1020.

## **DECISION**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted under ground 12 of schedule 3 to the 2016 Act against the Respondent.**

## **BACKGROUND**

1. An application had been made to the Tribunal under section 51(1) of the 2016 Act and in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“**HPC Rules**”) which are set out in the schedule to The

First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended. More specifically, the application was made in terms of rule 109 (*Application for an eviction order in relation to a private residential tenancy*) of the HPC Rules.

2. The order sought from the Tribunal was an eviction order against the Respondent in respect of the Property on the basis of ground 12 (rent arrears over three months).
3. Ground 12 of schedule 3 to the 2016 Act provides that:
  - “(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 by 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.”
4. The application form was dated 7 March 2025 and copies of various documents were provided, including:
  - a. the private residential tenancy agreement between the Applicant and the Respondent dated 18 June 2024 (“**Tenancy Agreement**”).
  - b. a notice to leave dated 27 January 2025 addressed to the Respondent at the Property (“**Notice to Leave**”), which stated that an application would not be submitted to the Tribunal for an eviction order before 27 February 2025 and that the eviction ground was “You are in rent arrears over three consecutive months” (ground 12).
  - c. covering e-mail to the Respondent (using the e-mail address for notices set out in the Tenancy Agreement) dated 27 January 2025 attaching the Notice to Leave.
  - d. a notice under section 11(3) of the Homelessness etc. (Scotland) Act 2003, together with the covering e-mail sending it to the local authority on 5 March 2025.
  - e. rent account covering the period from 18 June 2024 to 31 January 2025 and which showed arrears of rent as at 21 January 2025 of £2,600.
  - f. pre-action protocol correspondence.
5. A notice of acceptance of the application was issued dated 1 April 2025 under rule 9 of the HPC Rules.

6. A first case management discussion was held on Thursday 24 July 2025 but was adjourned as a result of the circumstances set out in the case management discussion note related to it.
7. The Applicant's representative had provided various updated rent statements, the last of which (prior to the CMD) was provided on 25 November 2025 covering the period from 18 June 2024 to 30 November 2025 and which showed arrears of rent as at 24 November 2025 of £11,248.75 ("**Updated Rent Statement**"), with the rent charged changing from £850 per calendar month (as set out in the Tenancy Agreement) to £871.25 from 1 May 2025.
8. The Respondent had not made any submissions or representations in advance of the CMD.
9. This decision arises out of the CMD.

### **PROCEEDINGS, NAMELY THE CMD**

10. The Applicant's representative confirmed that he understood that the Respondent was still in occupation of the Property and that, whilst the Respondent's child/children might visit, they were understood not to reside with him.
11. The Applicant's representative noted that, in the application to the Applicant for the tenancy, the Respondent had confirmed that he was a firefighter and earned a salary which meant that the rent would have been affordable.
12. The Applicant's representative confirmed that there had been no engagement or communication from the Respondent since before the first case management discussion in July 2025.
13. The Applicant's representative confirmed that the current arrears of rent were £12,991.25 and that no payment had been made by the Respondent since December 2024.

### **FINDING IN FACT**

14. The Tenancy Agreement stated that:
  - a. the start date was 19 June 2024;
  - b. rent was payable at a rate of £850 per month, on or before the 1<sup>st</sup> of the month;
  - c. a rent deposit of £950 was to be paid;
  - d. notices to be served under the Tenancy Agreement were to be served using the email addresses set out in the Tenancy Agreement.
15. The Tribunal was satisfied, on the balance of probabilities:
  - a. the Notice to Leave was valid and had been validly served; and
  - b. the section 11 notice was valid and had been validly served.

16. The Tribunal noted that the Applicant was the registered landlord of the Property.
17. The Tribunal also noted that the Applicant (acting through its general partner, PFPC MMR GP Limited) was the registered proprietor of the Property (title number GLA8259).
18. The Tribunal was satisfied, on the balance of probabilities, that the Respondent had been in rent arrears for three or more consecutive months as at the date of service of the Notice to Leave; there having been arrears of some amount since 1 July 2024 and the arrears as at 27 January 2025 being £2,600.
19. In addition (and whilst not necessary to meet the ground), the Tribunal was satisfied, on the balance of probabilities, that there were rent arrears of more than 13 months' rent as at 25 November 2025 and also at the date of the CMD, based on the Updated Rent Statement.

## **REASON FOR DECISION**

20. The Tribunal was satisfied, on the balance of probabilities, that:

- a. The requisite notices were valid and had been validly served (and received by the Respondent);
- b. The Respondent had been in arrears of rent (of some amount) for over three months when the Notice to Leave was issued, the amount of arrears at that time being £2,600.
- c. It was reasonable to grant an eviction order in the circumstances of this case. This was on the basis that:
  - i. no rent had been paid at all since December 2024, so for over 12 months as at the date of the CMD;
  - ii. there had been arrears of some amount since July 2024, a period of over 17 months;
  - iii. there were now arrears of over 13 months' rent;
  - iv. it was not in the interests of either the Applicant or the Respondent for the rent arrears to continue to accrue and increase; and
  - v. the Respondent had not engaged with the proceedings and had not made any submissions to the Tribunal.

21. Accordingly, the Tribunal found that ground 12 (rent arrears) of schedule 3 to the 2016 Act applied.

## **DECISION**

22. The Tribunal granted the application under section 51(1) of the 2016 Act for an eviction order on the basis of ground 12 (rent arrears).

## **Right of Appeal**

**In terms of Section 46 of the Tribunals (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.**



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**Chair**

*15 January 2026*

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**Date**