



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

Chamber Ref: FTS/HPC/EV/25/2062

Re: Property at 1-2, 1 Thistle Street, Kirkintilloch, Glasgow, G66 1NU (“the Property”)

Parties:

Mr Kevin McKinney, 3 Victoria Road, Stepps, Glasgow, G33 6ET (“the Applicant”)

Mr Iker Tarim, 1-2, 1 Thistle Street, Kirkintilloch, Glasgow, G66 1NU (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the Property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 18 December 2025 informing both parties that a CMD had been assigned for 12 February 2026 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make

a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 8 January 2026. No representations were received by the Tribunal.

The case management discussion – 12 February 2026

4. The CMD took place by conference call. The Applicant was represented by Ms. Sharon Cooke from Coda Estates Ltd. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/25/2063. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that the property is a one bedroom flat. It is believed that another adult lives with the Respondent but the Applicant has no information about her. The Respondent is in receipt of universal credit but the housing element does not cover the full rental charge because the Respondent works part time. The rent arrears have increased since the application was made and now amount to £786.63. The contractual monthly rent was £450 but increased to £495 in July 2024. The Applicant's representative has attempted to contact the Respondent by telephone, email and letter to discuss payment of rent arrears but the Respondent has not responded. Someone living with the Respondent contacted the Applicant's representative to advise that they are unable to pay the rent arrears. There has been no further contact from the Respondent or anyone on his behalf and no payments have been made towards the arrears. The Applicant owns 3 rental properties and there is an outstanding mortgage in relation to the Property. The Respondent has been consistently in arrears of rent for several years.
6. The Tribunal adjourned the CMD briefly to allow the members to consider the information provided. When the CMD was reconvened, the Tribunal advised the Applicant's representative that it would need some further information before deciding whether the application could be determined. The Applicant's representative was asked to provide a copy of the updated rent statement, the rent increase notice and evidence of compliance with the pre-action protocol.
7. On 12 February 2026, the Tribunal received an email from the Applicant's representative attaching an up to date rent statement, rent increase notice and evidence of compliance with the pre-action protocol. The Tribunal resumed consideration of the application and found that the eviction ground is established and that it is reasonable to grant an order for eviction against the Respondent.

Findings in Fact

8. The Applicant is the heritable proprietor of the Property at 1-2, 1 Thistle Street, Kirkintilloch, Glasgow, G66 1NU.
9. The Respondent is the tenant at the Property.
10. The parties entered into a private residential tenancy which commenced 21 August 2019.
11. The Applicant served Notice to Leave on the Respondent by email on 7 April 2025.
12. The Respondent has been in rent arrears for more than 3 consecutive months.

Reason for Decision

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
14. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. The rent statement lodged discloses that the Respondent has consistently been in arrears of rent for several years. The Applicant's representative has made efforts to contact the Respondent to discuss matters but the Respondent has not engaged. The Applicant has complied with the pre-action protocol. Notwithstanding the relatively modest sum due in respect of rent arrears, the Respondent is failing to meet his primary obligation to pay rent, has not engaged with the Tribunal and has not made any proposal to pay the rent arrears. The Tribunal was satisfied that the ground for eviction was established. In light of the information provided by the Applicant's representative, the Tribunal found that it was reasonable to grant the order for eviction.

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.



Legal Member/Chair

12 February 2026
Date