

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 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/2655

Property : Flat 2/R, 38 Cartside Street, Glasgow G42 9TF (“Property”)

Parties:

MJL Investments Limited, 3 Fitzroy Place, Glasgow G3 7RH (“Applicant”)

Douglas Dickson Property Management Limited, 3 Fitzroy Place, Glasgow G3 7RH (“Applicant’s Representative”)

Gavin Gordon, Flat 2/R, 38 Cartside Street, Glasgow G42 9TF (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 25 February 2024 (“Tenancy Agreement”); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 12 May 2025 (“Notice to Leave”) with covering email dated 12 May 2025; statement of rent arrears; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 19 June 2025; evidence of compliance with the pre-action protocol. The Application was served on the Respondent by sheriff officer on 25 November 2025. On 14 January 2026 the Applicant’s Representative lodged an updated statement of rent arrears which showed arrears of £3,550.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 21 January 2026 by teleconference. The Applicant was represented by Neil Livingston of the Applicant and by Shona McLellan of the Applicant’s Representative. The Respondent was also in attendance.

Mr Gordon told the Tribunal that he did not object to the order for possession being granted. He said that he had lived in the Property since 2014. He said that he had run into financial difficulty in 2025. He said he was now in a position where he could pay the ongoing rent but he could not pay the arrears that had built up. He said that he is not in employment. He said he lives in the Property alone and does not have any health issues of which the Tribunal should be aware. He said he had not yet been in touch with the local authority for assistance with alternative accommodation. He said he did not understand why the arrears statement showed a historical overpayment of £10.

Mr Livingston told the Tribunal that a private residential tenancy had been put in place instead of a short assured tenancy so that the tenancy complied with the current legal regulations . He said that Mr Gordon had always been a good tenant. He said that the Applicant had tried to communicate with Mr Gordon to arrange a payment plan and a way forward but Mr Gordon did not communicate in return. In light of that the Applicant had no option but to raise this application. He said that the Applicant owns 19 residential properties.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 25 February 2024.
2. The Notice to Leave was served by email on 12 May 2025.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 19 June 2025.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal

considered the statement of rent arrears provided and determined that ground 12 had been established.

Having considered all of the circumstances, and in light of the lack of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.

**Joan Devine
Legal Member**

Date : 21 January 2026