



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 50 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/0909

Re: Property at Flat 1/1, 3 Ettrick Place, Glasgow, G43 1UA (“the Property”)

Parties:

Mr Lewis Andrew, Burncroft House, Osborne Crescent, Thorntonhall, Glasgow, G74 5AE (“the Applicant”)

Mr Paul McNab, Unknown, Unknown, G43 1UA (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 12 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. An application was made under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment and an order for recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.

2. The application contained: -
 - a. the tenancy agreement,
 - b. the notice to leave with evidence of service
 - c. section 11 Notice with evidence of service
 - d. rent statement
 - e. messages to the tenant about rent arrears

3. A case management discussion took place on 2 February 2026. In attendance was the applicant and the applicant's agent, Mr Knowles, from The Only Way is HMO. The sheriff officer advised they effected service at the correct address 1/1, 3 Etrick Place, Glasgow. The respondent did not appear. The tribunal was prepared to proceed in their absence.

Discussion

4. The applicant's agent advised that the applicant was seeking an order for recovery of possession of the property under ground 12 (three months' rent arrears).

5. He advised that the rent arrears had been increasing since the application was made and were now £15,725. The last contact with the respondent was on 22 January 2025. They had attempted to engage with the respondent but there was no response from the respondent to any contact. They had attended at the property and it appeared that the respondent had also caused damage to the property.

Findings in Fact

6. The Tribunal found the following facts established: -
7. There existed a private residential tenancy.
8. The tenant was Paul McNab.
9. The landlord was Lewis Andrew.

10. The property was 1/1, 3 Ettrick Place, G43 1IA.
11. It had commenced on 19 July 2024.
12. The tenancy stated that rent was £975 a calendar month payable in advance.
13. There was submitted a notice to leave dated 20 December 2024, stating that an application would not be made until 20 January 2025. It sought eviction under ground 12 rent arrears. It set out that the respondent had been in rent arrears for more than three consecutive months. The notice to leave had been emailed to the tenant. There was evidence of service.
14. A section 11 notice had been sent to the local authority advising that the landlord was seeking possession of the property. There was evidence of service.
15. On 20 December 2024 the rent arrears were £1,415.32.
16. On 3 February 2026, the rent arrears were over £15,725.00.
17. There were arrears on the rent account as of 1 September 2024.
18. There was evidence that the pre-action protocol requirements had been followed.
19. There was no evidence of failure or delay in any benefit payment to the respondent.
20. The arrears had been steadily accruing.
21. The respondent had failed to enter into a repayment arrangement with the landlords

Reasons for Decision

22. Section 51 of the 2016 Act provides the Tribunal with the power to grant an order for eviction for a private residential tenancy if it finds that one of the grounds in Schedule 3 of the Act applies.
23. The ground which the Applicant seeks eviction under is ground 12. It is in the following terms :-

12 Rent arrears

(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2) [...]2

(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) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider [—] 3 [

(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 Ministers in regulations.] 3

(5) For the purposes of this paragraph— ...

24. The applicant's agent confirmed that they sought an order for eviction based on the fact that the respondent had been in rent arrears for three or more consecutive months. When the notice to leave was served on 20 December 2024 the respondent had been in rent arrears for over three months. The arrears had started to accrue from at least 1 September 2024. There did not appear to be any benefit issues which were causing the arrears. It appeared that the first part of ground 12 was met.

25. Given that the first part of the ground is met, the tribunal is therefore required to proceed to consider if it would be reasonable to grant the order.

26. We find it would be reasonable to grant the order for eviction; in coming to this conclusion, we took into account the following matters:-

27. The arrears were now more than £15,000.00. Arrears had been accruing since at least 1 September 2024. The respondent had made no payments towards the rent or arrears. There had been no contact with the respondent since January 2025. There were no proposals to repay the arrears.

28. The tribunal was not aware of any mitigation on the part of the respondent. Given all of the above, and especially that the arrears are now over £15,000.00, and there was no contact from the tenant. We consider it would be reasonable to grant an order for eviction.
29. Accordingly, considering the papers before us and the oral submission by the applicant's agent, the tribunal was prepared to grant the order for recovery of possession, given that the first part of ground 12 was met and in all the circumstances it appeared to us to be reasonable to grant the order.

Decision

30. The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 12 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

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.

Melanie Barbour

3 February 2026

Legal Member/Chair

Date