



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/25/2698

Re: Property at Flat G/02, 38 Aberfoyle Street, Glasgow, G31 3RS (“the Property”)

Parties:

Mr John O'Neill, Mrs Kathleen O'Neill, 37 Bellhaven Park, Muirhead, Glasgow, G69 9FA (“the Applicant”)

Miss Millie Victoria Squires, Flat G/02, 38 Aberfoyle Street, Glasgow, G31 3RS (“the Respondent”)

Tribunal Member:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 19th June 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. At the point of the application the arrears were £3580
2. On 5th December 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 29th January 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 26th December 2025.

3. On 8th December 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 8th December 2025.

The Case Management Discussion

4. A CMD was held on 29th January 2026 at 10am by teleconferencing. The Applicants were present and represented themselves. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
5. There has been no contact from the Respondent since the tenancy started. The Applicants tried to contact her the day after the tenancy started but there was no response. They telephoned her, emailed her and sent text messages. She has never replied to them since.
6. There have been no payments to the rent account since 18th February 2025. There has been no offer to repay the arrears or explanation of why the payments have stopped as the Applicants have not heard from the Respondent.
7. The Applicants said that when the tenancy started the Respondent was a single person in her mid to late twenties. She was pursuing an accountancy qualification. She was working and they were satisfied that she could pay the rent especially as she paid 6 months rent payments in advance. She seemed a professional and conscientious person. The Applicants are not aware of any disabilities or vulnerabilities.
8. The Applicants are also very concerned about the state of the Property. They required a warrant to enter the Property to undertake essential safety certificates. Once in the Property it was found to be in a terrible state as it was very unkempt. They started that process in September 2024. In September 2025 the Applicants went to gain entry to the Property with the Tribunal. The Respondent was seen to be in the Property but shut the curtains and did not answer the door. They returned with a warrant in November 2025 and gained entry. The Respondent was not in at that time.
9. The Respondent not paying rent has put a financial pressure on the Applicants as there is a mortgage on the Property.
10. The Tribunal was satisfied that there were no issues of reasonableness before it to prevent an order for eviction from being granted.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 18th December 2023.
12. The Respondent persistently failed to pay her rent charge of £895 per month. The rent payments are due to be paid on eighteenth day of each month.

13. The Respondent had been in rent arrears for three or more consecutive months when the notice was served.
14. There are no known outstanding Universal Credit Housing Element issues.
15. There has been no contact from the Respondent since the day the tenancy started though the Applicants have tried to contact her on numerous occasions. There has been no explanation of why payments have stopped or offers of payment towards either the rent or the arrears.
16. The arrears are now £9845. This is a higher amount than was detailed in the original application.
17. The Respondent has no known disabilities or vulnerabilities.
18. There are no issues of reasonableness that prevent an order from being granted.

Decision

19. The Tribunal found that ground 12 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

Legal Member

Date 29th January 2026