



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/25/3168

Re: Property at 79/3 Maxwellton Road, Paisley, PA1 2RB (“the Property”)

Parties:

Dr Vikesh Kashyap, The Flyde Clinic, 124B Fleetwood Road North, Thornton-Cleveleys, FY5 4BL (“the Applicant”)

Ms Claire Gilmour, 79/3 Maxwellton Road, Paisley, PA1 2RB (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Helen Barclay (Ordinary Member)

Decision

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 22nd July 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 date of the application the arrears were £15836.
2. On 4th December 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 28th January 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 25th December 2025.

3. On 27th January 2026, the Applicant's solicitor emailed the Housing and Property Chamber to state that the arrears had risen to £19136. He said that the Respondent had contacted the Applicant's letting agent to say that she now wished to be rehoused and was waiting for an order for eviction to be granted.
4. On 5th December 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 5th December 2025.
5. The case was conjoined with case FTS/HPC/CV/25/3170.

The Case Management Discussion

6. A CMD was held on 28th January 2026 at 10am by teleconferencing. The Applicant was not represented but was represented by Mr Ken Caldwell, Partner, Patten & Prentice Solicitors. The Respondent was present and represented herself.
7. Mr Caldwell said that the Applicant was still seeking an order for eviction to be granted.
8. The Respondent said that she felt stuck in the Property. She registered with the homeless department three years ago. They will not assess her until she has had an order for eviction granted against her at a Tribunal. She said that there have been many repairs needing done in the Property this has been ongoing for some time. She said that they are more or less done now. She said that she had accrued arrears as she had reallocated her finances due to her children's needs. There was a window missing for three years which meant higher heating bills. Three of her children have moved out of the Property now. The youngest are twins aged 18 years old. She has not been in touch with the homeless team at her local authority recently. She cannot go onto the mainstream housing list as she has rent arrears.
9. She said that she was now working full time but had been working part time to allow her time to support her son. She said that her son had now left school and moved out so she was able to work full time again. She had not paid her rent as there was no window in the bathroom for a year. She had been in touch with the local authority. They had assisted her with liaising about the repairs. This had helped. The Respondent had confirmed that she had not formally withheld her rent and that she did not have it in a separate specified bank account to pay over to the Applicant. She did believe that she had been receiving deductions for her rent from her Universal Credit dating back to September 2025. She tried to look at her Universal Credit journal while on the call and said that she believed that £550 has been deducted since September. She also said that she has considered bankruptcy in the past.
10. The Respondent initially was not sure what she wanted to do. She said that she felt trapped in the Property as she was not able to get rehoused by her local

authority without an order for eviction. She said that she has all of her belongings packed up. She then said that she was not opposing an order.

11. Mr Caldwell said that he has been involved with the case since the Notice to Leave was served in June 25. He said that the Respondent had emailed the letting agent in September 2024 to say that she could no longer afford the rent but was not able to leave until she was evicted. She also advised that she was to be made bankrupt though there has been no contact from a trustee or the Account in Bankruptcy. He noted that there have been arrears on the rent account since 2020. In the last two years there have been a total amount of payments of £680 which he highlighted as being just over one months rent charge. He noted that there have been issues with repairs but that the repairs have now been completed. He also noted that the Respondent admitted that she did not formally withhold the rent in a legal manner. He has not been made aware of the payments from the DWP which the Respondent has stated. He said that the amount that could be sought for the conjoined payment application could be £16386 which is a reduced amount for rent arrears to 1st August 2025. He noted that the prospect of repayment was low.

12. The Tribunal was satisfied that it was reasonable to grant an order for eviction.

Findings and reason for decision

13. A Private Rented Tenancy Agreement commenced 1st February 2018. The rent charge of £550 per month has remained unchanged since the start of the tenancy.

14. The Respondent persistently failed to pay her rent charge of £550 per month. The rent payments are due to be paid on first day of each month.

15. The Respondent has been in rent arrears for three or more consecutive months when the notice was served.

16. The Respondent lives in the Property with her 19 year old daughter. It is a four bedroomed property.

17. The Respondent has been in contact with her local authority who will not rehouse her until an order for eviction has been granted by the Tribunal.

18. The Respondent is not opposed to an order being granted.

19. The arrears sought in the conjoined application are £19136.

20. There are no issues of reasonableness that prevent an order from being granted.

Decision

21. 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

28th January 2026

Legal Member/Chair

Date