



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/0868

Re: Property at Flat 1/1, 8 Crathie Drive, Glasgow, G11 7XE (“the Property”)

Parties:

Mr Peter Keane, Mrs Vanessa Jermyn, Calle Cama-Roja 12, 03730, Javea, Alicante, 03730, Spain; Calle Cama-Roja 12, Javea, Alicante, 03730, Spain (“the Applicants”)

Miss Hazel Chapman, Flat 1/1, 8 Crathie Drive, Glasgow, G11 7XE (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (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 for eviction.

Background

1. By application dated 26 February 2025 the applicants seeks an order for eviction, relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicants lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to Leave with proof of service
 - Rent statements

- Pre action correspondence
 - Notice under section 11 of the Homelessness Etc. (Scotland) Act 2003
3. A teleconference case management discussion (“cmd”) was assigned for 22 October 2025. The applicants were represented by Ms McKinley, letting agent. The respondent did not participate in the cmd. The Tribunal adjourned the cmd and issued a Direction to parties requesting additional information. The Direction specified that the applicants should provide an updated rent account and a copy of any rent increase notices. The Direction required the respondent to provide a submission setting out whether the application was opposed, whether the rent arrears were admitted and details of the respondent’s personal circumstances.
4. The applicants provided the following addition information:
- Updated rent statement
 - Rent increase notices
 - Statement from the applicant setting out their personal circumstances
 - Inspection report dated 27 October 2025

Case management discussion – teleconference – 26 March 2026

5. The applicants were represented by Ms McKinley, Eve Property. The respondent was not present. The Tribunal was satisfied that she had been properly notified of the cmd and proceeded in her absence.
6. Ms McKinley sought an order for eviction. She referred to the updated rent statement that had been submitted. She stated that rent arrears had increased to £2690. She stated that the respondent had missed one monthly rental payment since the previous cmd. She stated that she had sought to engage with the respondent since the previous cmd to discuss a repayment arrangement however the respondent had failed to respond to her efforts.

7. Ms McKinley referred to the email setting out the applicants' personal circumstances. She stated that the applicants had retired to Spain. Their primary source of income was rental income. This meant that if the respondent did not pay her rent there was a direct impact on their financial circumstances.
8. Ms McKinley stated that there had previously been concerns about the condition of the property and the respondent's mental health. She stated that she had inspected the property in February. She had noted that there had been an improvement in the condition of the property. Ms McKinley stated that she had no information as to the respondents health. As far as she was aware the respondent was in employment. Ms McKinley confirmed that the respondent resided alone in the property.

Findings in fact and law

9. Parties entered into a tenancy agreement with a commencement date of 22 March 2021.
10. Monthly rent due in terms of the agreement is £850.
11. A valid notice to leave was served on the respondent on 21 January 2025.
12. Arrears as at 26 March 2026 amounted to £2690.
13. The rent arrears have increased since the previous case management discussion on 22 October 2025.
14. The applicants complied with the pre-action requirements set out in the Rent Arrears pre-action protocol.
15. The applicants' letting agents have made repeated efforts to engage with the respondent to enter into a repayment arrangement.
16. The respondent has failed to engage with the respondent's letting agents to discuss the rent arrears.

17. The respondent did not attend either cmd to oppose the application and has not submitted written representations opposing an order for eviction.

18. The respondent resides alone in the property.

19. The applicants rely on rental income as their primary source of income.

Reasons for the decision

20. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

21. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

22. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

23. Ground 12 states:

12(1) *It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.*

(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—*

(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.

24. The Tribunal was satisfied on the basis of the rent accounts that had been lodged that the respondent had been in arrears of rent for a period in excess of three months at the date the notice to leave was served and at the date of the cmd.

25. In relation to question of reasonableness the Tribunal determined that the correspondence sent to the respondent complied with the pre-action requirements. The applicants had submitted pre-action emails dated 7 October 2025, 5 November 2024 and 14 November 2024 which provided the required information.

26. The Tribunal was satisfied based on the rent account and oral submissions at the cmd that rent arrears amounted to £2690 as at the date of the cmd. The respondent had not lodged any information which sought to demonstrate that the arrears were in any part due to issues with benefits.

27. The Tribunal took into account the information provided by Ms McKinley. The Tribunal noted that while some payments were being made by the respondent she had missed a full month's rent since the previous cmd and no efforts had been made to reduce the arrears. The Tribunal also took into account that the respondent had failed to engage with Ms McKinley to discuss a repayment plan despite numerous efforts having been made to engage with her.
28. The Tribunal gave particular weight to the fact that the respondent had not taken any steps to oppose the application or lodge a defence. She had also failed to respond to the Tribunal's Direction requiring her to set out her position on the application.
29. The Tribunal gave weight to the fact that the respondent had resided in the property since March 2021 and may have no alternative accommodation. However, in the absence of any appearance to oppose the application the Tribunal considered that on balance it was reasonable to grant an 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.

Mary-Claire Kelly

Legal Member/Chair

27 March 2026
Date