



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/25/3804

Re: Property at 15 Park Court, Bishopbriggs, Glasgow, G64 2SQ (“the Property”)

Parties:

Rhannahs Ltd, 6 Flat 3/1 St Mungos Street, Bishopbriggs, Glasgow, G64 1QT (“the Applicant”)

James Reilly, 15 Park Court, Bishopbriggs, Glasgow, G64 2SQ (“the Respondent”)

Tribunal Members:

Joel Conn (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. This is an application by the Applicant for an eviction order in regard to a Private Residential Tenancy (“PRT”) in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The PRT in question was by the Applicant to the Respondent, commencing on 23 September 2022.
2. The application was dated 5 September 2025 and lodged with the Tribunal on that date. The application relied upon a Notice to Leave dated 17 June 2025 in terms of section 50 of the Private Housing (Tenancies) (Scotland) Act 2016, intimated upon the Respondent by Sheriff Officer’s service on that date. The Notice relied upon Ground 12 of Schedule 3 Part 1 of the 2016 Act, relying on arrears of £3,585 as at the date of the Notice. The Notice was accompanied by a “rental ledger” showing this balance. The Notice intimated that an application to the Tribunal would not be made before 16 July 2025. The Tenancy Agreement

lodged with the application showed that rent was £695 due in advance on the 23rd of the month. A notice showing the increase of rent of £750 a month from 23 April 2025 was also lodged. The rental ledger bore these rent figures, though the ledger commenced only at 23 January 2025, with a reference to arrears being “carried over from” another letting agent.

3. Evidence of a section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* served upon East Dunbartonshire Council on 4 September 2025 was provided with the application. There was evidence in the application papers of provision of the pre-action protocol information by the Applicant to the Respondent by letters dated 21 May, 29 May and 5 June 2025.

The Hearing

4. The matter called for a case management discussion (“CMD”) of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 15 April 2026 at 14:00. We were addressed by the Applicant’s agent, Eliza Ritchie, Property Manager, Yates Hellier. There was no appearance from the Respondent.
5. We were informed by the clerk that no contact had been received from the Respondent (nor on his behalf) with the Tribunal. The Applicant said that no communication had been received from the Respondent since they took over acting as letting agents on 4 April 2025 though there had been contact in the last few months between their nominated electrician and the Respondent, where the Respondent had given the electrician access to carry out PAT testing after the electrician had contacted the Respondent by text. Most other attempts to arrange access had been ignored, as had any contact on arrears. Along with the pre-action protocol letters, the Applicant’s agents had attempted to contact the Respondent on his mobile around May 2025 but the contact had not been successful. (This was on the same mobile number that the electrician had recently used, so the Applicant’s agent was satisfied it had been the Respondent’s correct number.)
6. We noted that the Respondent had received clear intimation of the CMD by the Sheriff Officer instructed by the Tribunal. Having not commenced the CMD until around 14:10, we were satisfied to consider the application in the Respondent’s absence based on the intimation to the Property. In any case, no attempt was made by the Respondent (nor anyone on his behalf) to dial in late to the CMD.
7. The Applicant sought the order for eviction at the CMD. We sought oral submissions on specific matters and noted the following additional points from the application papers and submissions:
 - a. The Respondent has made no payments since the Applicant’s agent took over management of the Property on 4 April 2025.
 - b. The previous agent provided the Applicant’s agent with some historic correspondence which suggested that arrears had started to accumulate in late 2024. As at 4 April 2025, when the Applicant’s agent took over management, the arrears were £2,085. The Applicant’s agent believed that some payments must have been received between late 2024 and 4 April

- 2025 (if arrears were only £2,085 as at 4 April 2025) but she did not know the details of any such payments.
- c. Arrears as at 15 April 2026 were £11,085, in respect of rent to 22 April 2026.
 - d. The Respondent was known to be of working age (having being born in 1966) but little other information was held for him.
 - e. The Applicant had not been informed of any issue with payment of benefits such as may affect payment of rent. The Applicant had corresponded with the DWP to see if there was Universal Credit and whether it could be paid direct. The DWP said that it was not possible but did not provide an exact reason why (thus not excluding that there was no UC being paid).
 - f. The Property is a one-bedroom flat. The Respondent was said by neighbours to reside there alone.
 - g. The Property is not known to be adapted for the Respondent's use or especially suitable for him.
 - h. Any contractors who had attended at the Property had reported that it was in poor condition.
 - i. The Applicant's agents had also spoken with neighbours who expressed some concern about the Respondent's mental health, though the only reason that the agent understood had been cited was that he left early and came back late, as if trying to avoid contact.
 - j. The Applicant believed that the Property required renovation work on account of the Respondent not looking after the Property well enough.
 - k. The Applicant held a property portfolio and sought to re-let the Property once the renovations were completed.

8. No motion was made for expenses.

Findings in Fact

- 9. On or around 23 September 2022, the Applicant let the Property as a Private Residential Tenancy to the Respondent with commencement on 23 September 2022 ("the Tenancy").
- 10. In terms of clause 8 of the Tenancy Agreement, the Respondent required to pay rent of £695 in advance on the 23rd of the month.
- 11. The Applicant increased the rent to £750 a month effective from 23 April 2025.
- 12. As of 23 May 2025, the Respondent was in arrears of rent of £3,585.
- 13. On 17 June 2025, the Applicant drafted a Notice to Leave in correct form addressed to the Respondent, providing the Respondent with notice, amongst other matters, that he was in rent arrears of £3,585.00.
- 14. The Notice to Leave provided the Respondent with notice that no application would be raised before the Tribunal prior to 16 July 2025.
- 15. The Applicant served a copy of the Notice to Leave on the Respondent by Sheriff Officer on 17 June 2025.

16. The Applicant raised proceedings on 29 August 2025 for an order for eviction with the Tribunal, under Rule 109, relying on Ground 12 of Schedule 3 Part 1 of the 2016 Act.
17. A section 11 notice in the required terms of the *Homelessness Etc. (Scotland) Act 2003* was served upon East Dunbartonshire Council by the Applicant.
18. As of 15 April 2026, the Respondent remains in arrears of rent in the amount of £11,085 which is equivalent of over 14 months of rent.
19. The Respondent does not claim to have paid any amount of the arrears of £11,085 remaining as at 15 April 2026.
20. The sum of arrears remaining as of 15 April 2026 is neither wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, other than any referable to an act or omission of the Respondent.
21. The Property is not specially adapted for the use of the Respondent nor is its location specifically suitable for the Respondent's needs.
22. The Property is a one-bedroom flat.
23. The Respondent lives alone at the Property.
24. The Applicant provided the Respondent with information in terms of the pre-action protocol requirements by letter on 21 May, 29 May and 5 June 2025.
25. Intimation of the date and time of the CMD was given to the Respondent by Sheriff Officer on 24 February 2026.
26. The Property requires renovation.
27. The Respondent has failed to communicate with the Applicant in regard to his occupancy, inspection of the Property, or payment of rent.

Reasons for Decision

28. The application was in terms of rule 109, being an order for eviction from a PRT. We were satisfied on the basis of the application and supporting papers that the Notice to Leave had been correctly drafted and served upon the Respondent in respect of the interests of the Applicant.
29. Ground 12 of Schedule 3 to the 2016 Act (as amended and applying to this application) applies if:
 - (1) *...the tenant has been in rent arrears for three or more consecutive months. ...*

...

- (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.*

...

30. The arrears information provided at the CMD clearly showed that Ground 12 was satisfied in regard to the length of arrears and amount outstanding. There was nothing to suggest that the Respondent's failure to pay was related to an issue with benefits. Ground 12 is satisfied subject to paragraph 3(b) regarding reasonableness.
31. We require, in terms of the Act as currently amended, to consider the reasonableness of the application even in regard of persistent arrears. We were satisfied that the Applicant's reasons for seeking eviction were reasonable given the amount and duration of the arrears. There was an absence of any engagement by the Respondent on payment of the arrears and little engagement regarding contractors and inspections. Though we noted that neighbours had concerns about his health, in the absence of any material information or any engagement on the sizable arrears, the Applicant's position on reasonableness was overwhelming. In all the circumstances, we were satisfied that it was reasonable to evict on the basis of the information before us.
32. The Rules allow at rule 17(4) for a decision to be made at a CMD as at a hearing before a full panel of the Tribunal. On the basis of the information held, we are thus satisfied to grant an order for eviction at this time.

Decision

33. In all the circumstances, we grant an order against the Respondent for eviction from the Property under section 51 of the *Private Housing (Tenancies) (Scotland) Act 2016* further to ground 12 of Schedule 3 of that Act.

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.

Joel Conn



15 April 2026

Legal Member/Chair

Date