



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/24/5695

Re: Property at 67 Oliphant Crescent, Paisley, PA2 0DB (“the Property”)

Parties:

Mr Douglas Miller, 36 Hillside Road, Barrhead, Glasgow, G78 1ES (“the Applicant”)

**Ms Marta Matuszak, Mr Pawel Prokop, 67 Oliphant Crescent, Paisley, PA2 0DB;
Unknown, Unknown (“the Respondent”)**

Tribunal Members:

Andrew McLaughlin (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) previously and been continued to a Hearing for evidence to be heard.

The Hearing

[4] The Application then called for a Hearing by video call at 10 am on 27 March 2026. The Applicant was personally present. There was no appearance by or on behalf of the Respondents. The Application had been initially served on both of the Respondents competently by Sheriff Officers. It was then reported at the CMD by the Applicant that the Second Respondent had actually vacated the Property. The Tribunal then wrote to the Property asking the First Respondent to get in touch in order that arrangements could be made for her to be supplied with the details of the video call. Nothing further was heard from her. The Tribunal therefore proceeded in the absence of the Respondents.

[5] The Applicant explained that the rent arrears had now increased to £3,193.00 and nothing had been paid in the entirety of 2026. He was also being prevented from accessing the Property and had to make Applications to the Tribunal for a right to enter to carry out basic safety checks.

[6] Having heard from the Applicant and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the Property to the Respondents under a Private Residential tenancy within the meaning of the Act;*
- 2) *The Respondents have fallen into rent arrears and the sum of £3,193.00 is now lawfully due as arrears of rent by the Respondents to the Applicant;*
- 3) *The Applicant has signposted the Respondents to sources of financial support;*
- 4) *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established as at today’s date;*
- 5) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- 6) *The Respondents have failed to engage with the Tribunal process or to respond to any of the Applicant’s correspondence.*

7) *The Respondents have refused to allow the Applicant access to the Property to carry out basic safety checks.*

Reasons for Decision

[7] Having made the above findings in fact, the Tribunal considered that the ground set out in the notice to leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order.

Right of Appeal

[8] 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.

Andrew McLaughlin

Legal Member/Chair

Date: 27 March 2026