



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/25/3649

Re: Property at 13 Bonyton Avenue, Glasgow, G13 4AH (“the Property”)

Parties:

Mrs Narinder Burmy, 188 Southbrae Drive, Glasgow, G13 1TX (“the Applicant”)

Mr Lewis Walker and Mrs Gillian Walker, 13 Bonyton Avenue, Glasgow, G13 4AH (“the Respondents”)

Tribunal Members:

George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondents.

Background

1. By application, dated 26 August 2025, the Applicant sought an Order for Possession of the Property under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, (arrears of rent over three consecutive months).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 27 May 2022 at a monthly rent of £720, a Notice to Leave, dated 18 July 2025, advising the Respondents that the Applicant was seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 18 August 2025, a Rent Increase Notice dated 15 June 2025, increasing the rent from £815 to £895 per month from 22 September 2025, and a Rent Statement showing arrears at 19 August 2025 of £4,615, which was subsequently replaced by an updated Rent Statement

showing arrears of £7,900 at 22 March 2026. The Applicant also provided copies of pre-action protocol communications sent to the Respondents by email on 12 March and 25 June 2025, signposting them to sources of possible help and assistance.

3. The application stated that one of the Respondents has vacated the Property and wishes to end the tenancy but that the other Respondent has not given notice and remains in the Property.
4. On 9 February 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 2 March 2026. The Respondents did not make any written representations to the Tribunal.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 25 March 2026. The Applicant was represented by Ms Emma McCulloch of Hoose & Key, letting agents, Glasgow. The Respondents were not present or represented.
6. The Applicant's representative told the Tribunal that no rent had been paid since the date of submission of the updated Rent Statement. The payments of £695 received on 3 November 2025, 22 November 2025 and 13 January 2026 had been Universal Credit, but no further payments had been received since that date. The Second-named Respondent vacated the Property some months ago and the First-named Respondent has been in custody since September 2025, so is not occupying the Property. The Second-named Respondent contacted the Applicant's representative last week to let her know that the First-named Respondent's mother has been in the Property to clear it out.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the Eviction Grounds named in Schedule 3 applies.
9. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, at the beginning of the day on which the Tribunal first considers the application for an Eviction Order on its merits, the tenant is in arrears of rent by an amount equal to or greater than

the amount which would be payable as one month's rent under the tenancy on that day, and has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months, that the Tribunal is satisfied that the tenant's being in arrears of rent over that period is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order.

10. The Tribunal was satisfied that the Respondents have been in rent arrears for three or more consecutive months and that the current arrears exceed one month's rent. Accordingly, the only matter for the Tribunal to determine was whether it was reasonable to issue an Eviction Order.
11. The Tribunal noted that the arrears are substantial and long-standing and that the sporadic payments of £695, paid by Universal Credit, are lower than even the original rent for the Property and £200 per month lower than the current rent, so the arrears will continue to increase significantly each month, as the Respondents are not making any payments to top up the Universal Credit to the monthly rent amount. The last receipt of £695 was on 13 January 2026 and it appears that the Universal Credit has been discontinued. The Tribunal also noted that the Second-named Respondent has vacated the Property and wishes to end the tenancy and the Tribunal had to consider the ongoing impact on her, as contractually she would remain jointly and severally liable for the rent for so long as the tenancy lasts.
12. Having considered carefully all the evidence before it, the Tribunal decided that it was reasonable to issue an Eviction Order against the Respondents under Ground 12 of Schedule 3 to the 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.

George Clark

Legal Member/Chair

25 March 2026

Date

