



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/3955

Re: Property at 32a Barn Street, Strathaven, ML10 6LU (“the Property”)

Parties:

Vari Brownlie, Anne Burns, 38 Neuk Drive, East Kilbride, Glasgow, G74 4FH (“the Applicants”)

Eddie Reynolds, 32a Barn Street, Strathaven, ML10 6LU (“the Respondent”)

Tribunal Members:

Sarah O’Neill (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession should be granted in favour of the Applicants against the Respondent.

1. An application was received on 16 September 2025 from the Applicants’ representative, Let Property Management, on behalf of the Applicants. The application was made under Rule 109 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (‘the 2017 rules’) seeking recovery of the property under Ground 12 (rent arrears) as set out in Schedule 3 of the 2016 Act.
2. Attached to the application form were:
 - (i) Copy private residential tenancy agreement between the parties, which commenced on 31 October 2022.
 - (ii) Copy Notice to Leave dated 11 August 2025 citing ground 12, and stating the date before which proceedings could not be raised to be 11 September 2025.

- (iii) Copy rent statement showing the Respondent's outstanding rent arrears to be £2000 as at 16 September 2025.
 - (iv) Copy notice to South Lanarkshire Council under section 11 of the Homelessness etc. (Scotland) Act 2003, together with (undated) covering email.
 - (v) Two undated pre-action requirements emails to the Respondent from the Applicants' representative.
3. The application was accepted on 16 October 2025.
 4. Notice of the case management discussion (CMD) scheduled for 31 March 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 13 February 2026. The Respondent was invited to submit written representations by 5 March 2026.
 5. No written representations were received from the Respondent prior to the CMD.

The case management discussion

6. A CMD was held by teleconference call on 31 March 2026 to consider the application. The Applicants were represented by Miss Chantelle Mann of Let Property Management.
7. The Respondent was not present or represented on the call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. He did not join the teleconference call, however, and no telephone calls, messages or emails had been received from him.
8. The Tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. The Tribunal therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicant

9. Miss Mann asked the Tribunal to grant an eviction order in favour of the Applicants against the Respondent. She submitted an up to date rent statement to the Tribunal at the start of the CMD. This showed that the Respondent had paid no rent since June 2025, other than two payments of £500 on 12 December 2025. The outstanding arrears now totalled £4000.

10. Miss Mann said that so far as the Applicants were aware, the Respondent was still living in the property. There had been no contact from him since July 2025. There had been no discussions regarding a repayment arrangement. He had not informed Let Property that he intended to make any payments in December. They had been trying to contact him by phone, email and by post. Welfare checks had also been carried out at the property in October 2025 and January 2026.
11. Miss Mann confirmed that to her knowledge the property was the only rental property owned by the Applicants. While there was no mortgage over the property, the Respondent's failure to pay his rent was having a financial impact on them.
12. Miss Mann was unable to provide much information about the Respondent's circumstances. She was unaware as to whether he may have experienced a change of circumstances which had led to his failure to pay the rent. So far as she was aware, he lives alone in the property, which is a one bedroom flat. She was unaware of his age or whether he had any health issues. She believed that he was in employment. He had been working as a warehouse operative at the start of the tenancy. He was not in receipt of benefits to cover his housing costs.

Findings in fact

13. The Tribunal made the following findings in fact:
 - The Applicants are the joint owners and registered landlords of the property.
 - The parties entered into a private residential tenancy agreement which commenced on 31 October 2022.
 - The initial rent payable under the tenancy agreement was £475 per calendar month, payable in advance on the 1st day of each month.
 - The rent was increased to £500 per month in July 2024.
 - The Notice to Leave was validly served on the Respondent by email on 11 August 2025.
 - The Applicants' representative sent a valid notice to South Lanarkshire Council under section 11 of the Homelessness etc. (Scotland) Act 2003 prior to submitting the application.
 - The Respondent had been in rent arrears for more than three consecutive months as at the date of the CMD.
 - The Applicants have complied with the pre-action requirements.
 - The Applicants have no mortgage over the property.
 - The Applicants own no other rental properties.

- The Respondent's being in arrears of rent over the period in question is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
- As at the date of the CMD, the Respondent owed the Applicants £4000 in rent arrears.
- The Respondent lives alone in the property.

Reasons for decision

14. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties.

15. The Tribunal considered whether Ground 12 (rent arrears) had been met. Ground 12 states:

Rent arrears

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.

16. The Tribunal noted from the updated rent statement provided by the Applicant that the Respondent had been in rent arrears for more than three consecutive

months at the date of the CMD. No written representations had been received from the Respondent to indicate that he disputed this. The Tribunal therefore found that Ground 12 had been met.

Reasonableness

17. The Tribunal then considered whether it was reasonable to issue an eviction order in all the circumstances of the case. In doing so, it took into account all of the evidence before it.
18. The Tribunal noted that the Applicant's representative had sent two pre-action emails to the Respondent prior to making the application. The Applicant had accordingly complied with the pre-action requirements. The Tribunal was also satisfied on the basis of the available information that the arrears were not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
32. The Tribunal noted that the Applicants appear to own no other rental properties and that there is no mortgage over the property. They will however have other costs to pay in connection with the property.
32. In the absence of any appearance by the Respondent, or any written submissions from him, the Tribunal had very limited information about his personal circumstances. He has been living in the property for more than three years and until July 2025 had always paid his rent. He had then stopped paying the rent, aside from paying the equivalent of two months' rent in December 2025.
33. While his age group was unclear, the Respondent appeared to be in employment and to be living alone. He appeared to have no health issues. If his circumstances had changed, no information was available about this. The Tribunal had no information about what discussions, if any, he has had with the council and/ or local housing associations regarding possible alternative housing.
34. The Tribunal notes that the overall amount of arrears (£4000) is not particularly high, although given the relatively low rent, this does represent 8 months' rent which has not been paid.
34. The Tribunal gave particular weight to the fact that, other than the payments made in December 2025, the Respondent had paid no rent at all since July 2025. The Applicants are entitled to receive the agreed rent each month in terms of the tenancy agreement.
33. The Tribunal also gave weight to the Respondent's lack of opposition to the application.

33.The Tribunal decided that in light of all the above considerations, it was reasonable in all the circumstances to grant an order for eviction in favour of the Applicants against the Respondent.

Decision

The Tribunal grants an order in favour of the Applicants against the Respondent for recovery of possession of the property.

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.



31 March 2026

Legal Member/Chair

Date