



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/EV/25/4104**

**Re: Property at 4a Milton Street, Airdrie, ML6 6JN (“the Property”)**

**Parties:**

**Nasir Chaudhry, Cremyll, Tewkesbury Road, Cheltenham, GL51 9SW (“the Applicant”)**

**Owen McGuire, 4a Milton Street, Airdrie, ML6 6JN (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (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. By lease dated 7<sup>th</sup> and 8<sup>th</sup> July 2021 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 8<sup>th</sup> July 2021.
3. Rent is payable at a rate of £475.00 per calendar month.
4. The Respondent fell into arrears of rent. Arrears of rent first commenced on 8<sup>th</sup> June 2023. Those arrears were not cleared until July 2024. The Respondent thereafter fell into arrears of rent from 8<sup>th</sup> January 2025. The Respondent has consistently been in arrears of rent since then.

5. A Notice to Leave dated 22<sup>nd</sup> August 2025 was served upon the Respondent. As at that date arrears of rent amounted to £2,495.00.
6. The Applicant presented two separate Applications to the Tribunal on 25<sup>th</sup> September 2025, one seeking an order for eviction (Tribunal ref EV/25/4104) and one seeking an order for payment of arrears of rent (Tribunal ref CV/25/4112).
7. A Notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was served upon the Respondent.
8. The Applicant's letting agents forwarded correspondence to the Respondent in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 ("PAR").

## **THE CASE MANAGEMENT DISCUSSION**

9. The Applicant did not participate personally in the Case Management Discussion but was represented by Miss Capaldi of Messrs Bannatyne Kirkwood France and Co, Solicitors. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.

### **Eviction**

10. Prior to the Case Management Discussion commencing, the Tribunal members were forwarded an updated rent statement which advised that, as at the date of the Case Management Discussion, arrears of rent now amounted to £5,245.00. No rental payments have been paid since the rent due on 8<sup>th</sup> October 2025.
11. In relation to the Respondent's personal circumstances, the Tribunal was advised that to the best of the knowledge of the Applicant:-
  - The Respondent was in employment at the commencement of the tenancy. The Applicant has received no information to suggest that he is unemployed and it is understood that he is still in employment.
  - He resides at the Property alone. He does not have a partner residing there. He has no children.
  - He has not made contact with the Applicant to provide any reason for non-payment of rent.

- There are no known health issues affecting the Respondent.
12. Having regard to the level of arrears, the lengthy period of arrears, compliance by the Applicant with PAR, and the failure of the Respondent to submit any representations to the Tribunal or to participate in the Case Management Discussion, the Tribunal considered it reasonable to grant an order for eviction.

### **Rent Arrears**

13. The Application to the Tribunal sought a “payment order for £2,470.00 with interest at the rate of 8% pa thereon from date of decision.”
14. On 8<sup>th</sup> April 2026 the Applicant’s representatives submitted an application to the Tribunal seeking to amend the amount claimed to £5,245.00, being the amount outstanding as at the date of the Case Management Discussion. An updated rent statement was provided also.
15. The application to the Tribunal seeking an amendment of the amount claimed was forwarded only 5 days before the Case Management Discussion.
16. The Tribunal considered whether to allow an amendment to the amount claimed. The Tribunal declined to do so. The Tribunal had regard to the following:-
- that the application to the Tribunal sought a payment order in a specific amount.
  - the Application did not provide any advance notice that a different amount may be sought if, at the date of the Case Management Discussion or Hearing, the amount due was different from the amount claimed in the application.
  - separately, any application to vary the amount claimed ought to have been forwarded to the Tribunal not less than 14 days in advance of the Case Management Discussion.
  - while the Respondent has not participated in the proceedings, he is still entitled to expect that the rules of procedure will be adhered to by the Tribunal.
17. Having regard to the updated rent statement, however, which confirmed that a sum in excess of £2,470.00 is now outstanding and having regard to the failure of the Respondent to provide any submissions to the Tribunal or to participate in the Case Management Discussion, the Tribunal granted a payment order in the sum of £2,470.00.
18. The Application sought interest at the rate of 8% per annum on any payment order granted. The Tribunal, of course, has a discretion as to the application of interest to any payment order granted. The Tribunal was not willing to apply interest at the rate of 8% per annum, which is significantly higher than

prevailing bank lending rates, but applied interest at the rate of 4% per annum on the payment order made.

## **FINDINGS IN FACT**

19. The Tribunal found the following facts to be established:-

- a) By lease dated 7<sup>th</sup> and 8<sup>th</sup> July 2021 the Applicant let the Property to the Respondent.
- b) The start date of the tenancy was 8<sup>th</sup> July 2021.
- c) Rent is payable at a rate of £475.00 per calendar month.
- d) The Respondent fell into arrears of rent. Arrears of rent first commenced on 8<sup>th</sup> June 2023. Those arrears were not cleared until July 2024. The Respondent thereafter fell into arrears of rent from 8<sup>th</sup> January 2025. The Respondent has consistently been in arrears of rent since then.
- e) A Notice to Leave dated 22<sup>nd</sup> August 2025 was served upon the Respondent. As at that date arrears of rent amounted to £2,495.00.
- f) As at the date of the Case Management Discussion arrears of rent amounted to £5,245.00.
- g) The delay or failure to pay rent was not due to any delay or failure in the payment of any relevant benefit to the Respondent.
- h) A Notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was served upon the Respondent.
- i) The Applicant complied with PAR.

## **DECISION**

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act

Order not to be executed prior to 12 noon on 20<sup>th</sup> May 2026

## **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.**

**Legal Member/Chair**

Virgil Crawford

**Date: 13 April 2026**