



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/5336

Re: Property at Flat 5, 2/1 23 Rosevale Street, Partick, Glasgow, G11 6EL (“the Property”)

Parties:

Caroline Critchley's Lifetime Discretionary Trust and Caroline Critchley, 1 Chestnut Avenue, Killearn, G63 9SJ (“the Applicants”)

Mr George Tutty, Flat 5, 2/1 23 Rosevale Street, Partick, Glasgow, G11 6EL (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 19 March 2026, the Applicants were not present but were represented by Ms Lucy Critchley. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD.

Background

A CMD had previously taken place on 29 October 2025. That CMD was adjourned to a further CMD for the purposes set out in the Notes thereof and in particular to enable the Applicant to comply with a Direction also then issued which required the Applicants to produce –

“Copies of all Pre Action Requirement letters sent to the Respondent in relation to his current rent arrears. Failing which a full legal submission with supporting case law and/or relevant legislation reference to address why a case brought under ground 12 can be competent when there have been no Pre Action Requirement letters lodged though it specifically states that is a requirement in the Private Housing (Tenancies) (Scotland) Act 2016”.

Prior to the adjourned CMD the Tribunal had received from the Applicant –

- Email dated 10 November 2025 with attachment.

The CMD

At the CMD and in response to questions from the Tribunal Ms Critchley for the Applicants stated:-

- i. Whilst initially Ms Critchley did not have any information as to the current rent arrears due by the Respondent in the course of the CMD she received a Rent Statement from the Applicants' Letting Agent which confirmed the current arrears balance to be £8487 with the last payment from the Respondent being £500 on 4 September 2025.
- ii. The Respondent is still in occupation of the Property.
- iii. A woman lives with the Respondent.
- iv. The Respondent is aged 40-50 years approximately.
- v. The Applicants did not know why the arrears had accrued.
- vi. There is minimal engagement from the Respondent.
- vii. The Respondent had previously indicated he could not leave the Property until an eviction order is granted to enable him to obtain social housing.
- viii. There have been no recent requests for a reference.
- ix. The Applicants are not aware of any disabilities affecting the Respondent and are not aware of whether or not he is working.
- x. The Second Applicant is Ms Critchley's mother. The Trustees of the First Applicant are the sisters of the Second Applicant and the brother of Ms Critchley's late father.
- xi. There are 2 properties held by the First Applicant including the Property.
- xii. The Applicant seeks an eviction order.

Findings in Fact

The Tribunal made the following findings in fact –

- i. The Applicants are the heritable proprietor of the Property.
- ii. The Applicants leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 12 August 2020.
- iii. The rent payable in terms of the PRT is £625 per calendar month.
- iv. On 3 April 2024, the Applicants served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 29 June 2024 on the basis of Grounds 3 and 12 of Schedule 3 of the 2016 Act.
- v. By emails dated 21 and 30 July and 27 October 2025 the Applicant's Letting Agent wrote to the Respondent in terms that comply with the Scottish Government's pre-action protocols.
- vi. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vii. The current arrears balance to be £8487 with the last payment from the Respondent being £500 on 4 September 2025.
- viii. The Respondent is still in occupation of the Property.
- ix. A woman lives with the Respondent.
- x. The Respondent is aged 40-50 years approximately.
- xi. There is minimal engagement from the Respondent.
- xii. The Respondent had previously indicated he could not leave the Property until an eviction order is granted to enable him to obtain social housing.
- xiii. There have been no recent requests for a reference.
- xiv. The Applicants seek an eviction order.

Reasons for Decision

The previous CMD was adjourned for the Applicants to produce copies of all pre action requirement letters sent to the Respondent in relation to his rent arrears. The Applicants lodged pre action requirement emails sent to the Respondent by the Applicants' Letting Agent and dated 21 and 30 July 2025 and 27 October 2025 which were sufficient in their terms.

The Respondent did not participate at either CMD and had lodged no written representations. The Applicants' position was not therefore challenged by the Respondent and was accepted by the Tribunal.

The rent arrears have increased from the previous CMD to £8,487 which is a significant increase with the Respondent having made no payment since 4 September 2025.

The Respondent has not engaged with the Applicants or their agents relative to the arrears.

In the circumstances the Tribunal determined that it is reasonable to grant an eviction order in favour of the Applicants and made such an order.

Decision

The Tribunal granted an eviction order against the Respondent in favour of the Applicants under Ground 12 of Schedule 3 of the 2016 Act.

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.

Gillian Buchanan

Legal Member/Chair

24th March 2026
Date