



**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/25/3362 & FTS/HPC/EV/25/3356**

**Re: Property at 3/1, 4 Albert Avenue, Glasgow, G42 8RE (“the Property”)**

**Parties:**

**Mr Brian Jenkins, 75 Albert Road, Glasgow, G42 8DP (“the Applicant”)**

**Ms Annie Crabtree, Ms Emma Wierda, 3/1, 4 Albert Avenue, Glasgow, G42 8RE (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Sara Hesp (Ordinary Member)**

**Decision (in absence of the First Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondents from the Property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 4 February 2026 informing both parties that a CMD had been assigned for 20 March 2026 at 10am, which was to take place by conference call. Sheriff officers delivered the letter to the Respondents on 5 February 2026. In the letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondents were invited to make written representations by 25 February 2026. No representations were received by the Tribunal.

4. On 20 February 2026, the Applicant submitted an updated rent statement. The Tribunal sent a copy of that to the Respondents.

#### **The case management discussion – 20 March 2026**

5. The CMD took place by conference call. The Applicant and the Second Respondent joined the conference call and represented themselves. The First Respondents did not join the conference call and the discussion proceeded in her absence. There were two applications before the Tribunal. The application which proceeds under chamber reference FTS/HPC/EV/25/3356 relies upon eviction ground 11. The application which proceeds under chamber reference FTS/HPC/EV/25/3362 relies on eviction ground 12. The Tribunal explained the purpose of the CMD.
6. The Second Respondent opposed the applications for an eviction order. She explained that she did not receive the notice to leave. She did receive a notice to leave in April 2025 which was not correct. She had only received the papers relating to these cases a few days ago and that was the first notice she had that the Applicant had raised eviction proceedings. She did not have time to lodge written submissions.
7. In relation to the application which proceeds on ground 12, she did not receive a rent statement from the Applicant. She does not accept that the rent statement produced by the Applicant is accurate. She last paid rent in summer 2025. The Second Respondent said that the last payment made was in May 2025 and then said it could have been in June 2025. She accepted that she has rent arrears of approximately £11,500. She does not have the capacity to pay that sum and could only do so by instalments. She has not been staying in the Property since January 2026 and been staying elsewhere, although her belongings remain in the Property. This is because she is fearful of the Applicant attending at the Property. The Tribunal observed that the Applicant has produced emails sent to the Second Respondent in June 2025 which indicated that she had agreed to pay rent arrears, which at that time stood at £3,630. The Second Respondent advised that she did not pay the rent arrears at that time because she did not agree with the arrears figure.
8. In relation to the application which proceeds on ground 11, the Second Respondent explained that her friend, Mr Shankland, who is referred to in email correspondence, had nowhere to stay in May 2025 and moved in to stay with her for a couple of weeks. The Applicant was made aware of his position and

was he was in direct contact with Mr Shankland. There were discussions about Mr Shankland becoming a joint tenant. That did not come to pass and he moved out of the Property when it became clear that he would not become a joint tenant. The Second Respondent did not receive any rental payments from Mr Shankland.

9. The Applicant's position about the application which relies on ground 12 is supported by the most recent rent statement which has been produced. In relation to the application which relies on ground 11, the Applicant explained that last year he received a WhatsApp communication from the Second Respondent advising that she was unwell. The Applicant was at the Property because he acts as the factor for the building. He attended to enquire about the Second Respondent's health. A man answered the door who he now knows to be Mr Shankland. He told the Applicant that the Second Respondent was not home and that he had lived at the Property for a couple of months. They had a discussion and the Applicant advised that rent had not been paid. The two met a couple of times over summer 2025. Several months of rent arrears had accrued. The Second Respondent agreed on a couple of occasions to pay the rent arrears but that did not happen. There was a possibility that Mr Shankland would become a joint tenant but that did not happen because the rent arrears had not been cleared.
10. The Tribunal adjourned the CMD briefly to allow the members to consider the information provided. When the CMD was reconvened, the Tribunal advised the parties that it found that eviction ground 12 is established and that it is reasonable to grant an order for eviction against the Respondent. The Applicant withdrew the application which relies on ground 11.

### **Findings in Fact**

11. The Applicant is the heritable proprietor of the Property at 3/1, 4 Albert Avenue, Glasgow, G42 8RE.
12. The Respondents are the tenants at the Property.
13. The parties entered into a private residential tenancy which commenced 1 October 2023.
14. The First Respondent has already vacated the Property.
15. The Applicant served Notice to Leave on the Respondents on 6 July 2025 by email.
16. The Respondents have been in rent arrears for more than 3 consecutive months.

## **Reason for Decision**

17. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
18. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. It was evident from the papers that the First Respondent has already vacated the Property and only the Second Respondent remains in occupation.
19. In relation to the application which relies on ground 11, the Tribunal allowed that application to be withdrawn.
20. In relation to ground 12, the Applicant has produced an updated rent statement. That discloses that rent arrears started to accrue from February 2025 and that no payment has been made since March 2025. The current balance of rent arrears is £14,610. The Applicant has produced several emails sent to the Respondents which support the contention that no rent has been paid since March 2025. Although the Second Respondent disputed the level of rent arrears, she accepted that the arrears were approximately £11,500. No documentation has been produced by the Second Respondent to support her contention about the level of rent arrears. She had no funds to pay the sum that she says is due, and ongoing rent is not being paid. The Tribunal concluded that ground 12 is established.
21. Having concluded that ground 12 is established, the Tribunal considered the issue of reasonableness. The First Respondent has already vacated the Property. The Tribunal took account of the fact that the Second Respondent is failing to meet her primary obligation to pay rent. According to the rent statement, the Second Respondent has consistently been in arrears of rent since April 2025, the last payment having been made on 27 March 2025. Although the accuracy of the rent statement was challenged by the Second Respondent, she accepted that a very significant sum of rent arrears is due which she cannot pay other than by instalment. The tenancy appears to be unaffordable to the Second Respondent. This is the primary reason the Tribunal found that it is reasonable to grant an order for eviction. The Tribunal also considered three matters raised by the Second Respondent. The first is that she has been living elsewhere since January. Secondly, in relation to the notice to leave, the Tribunal observed that the Applicant has produced a copy email which was sent to the email address for the Second Respondent which is recorded on the tenancy agreement. That email was dated 6 July 2025 and attached a copy of the notice to leave. Finally, the Tribunal observed that sheriff officers delivered a copy of the applications to the Second Respondent at the Property on 5 February 2026. The Tribunal was satisfied that the Applicant had served the notice to leave in accordance with the contractual arrangements as set out in the tenancy agreement. Further, the Tribunal was satisfied that the Second Respondent had ample notice of these proceedings. In all of the

circumstances, the Tribunal found that it was reasonable to grant the order for eviction.

### **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.**

# Nicola Irvine

Legal Member/Chair

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20 March 2026  
Date