



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/3326**

**Re: Property at 11B Burnside Road, Rutherglen, Glasgow, G73 4RF (“the Property”)**

**Parties:**

**Mr Christopher Campbell, Tandlehill Cottage, Barmill, Beith, KA15 1HH (“the Applicant”)**

**Miss Lauren Rooney, 11B Burnside Road, Rutherglen, Glasgow, G73 4RF (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mr A Lamont (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.**

**Background**

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 12. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 28<sup>th</sup> July 2021 at a monthly rent of £750, a notice to leave with evidence of service, a section 11 notice with evidence of service, pre-action requirement correspondence, and a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 25<sup>th</sup> February 2026.
3. By email dated 27<sup>th</sup> March 2026, the Applicant lodged an updated rent statement to 28<sup>th</sup> March 2026 showing arrears of £5950.

## **The Case Management Discussion**

4. A Case Management Discussion (“CMD”) took place by telephone conference on 13<sup>th</sup> April 2026. The Applicant was in attendance and represented by Mr Haswell, Solicitor. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to attend.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Mr Haswell submitted that the ground of eviction was met as demonstrated in the recent rent statement. The Respondent had fallen into arrears in October 2024 and the arrears continued to increase. Notice to leave and a section 11 notice have been served. The Respondent has been issued with the requisite pre-action requirement correspondence. Mr Haswell asked the Tribunal to grant the order sought.
7. Responding to questions from the Tribunal, the Applicant said his letting agent had been made aware by the Respondent of a medical condition that had affected her ability to work. In August 2025, the letting agent had been informed that the Respondent was able to work part time. A payment plan was put in place whereby the Respondent was to pay £1000 every 4 weeks. This has not been adhered to. The Applicant said the Respondent has a child and it is his understanding, from speaking to a neighbour, that there may be a shared care arrangement for the child. The Applicant said he had agreed to the payment plan in an effort to be fair to the Respondent. The rent has not been increased since the tenancy started. The Respondent has previously stated that she had attempted to obtain alternative housing without success. There has been no recent contact from the Respondent. The Applicant said this is the only property that he lets. It is his former home. He is unsure whether to let again if the order is granted, or whether to sell the Property. The Applicant said he has suffered financially as a result of the arrears and this has been a difficult experience. There is no mortgage on the Property. The arrears remain at the sum of £5950 and no further payment has been made since 10<sup>th</sup> March 2026.

## **Findings in Fact and Law**

8.
  - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 28<sup>th</sup> July 2021 at a monthly rent of £750
  - (ii) The Applicant has served a Notice to Leave upon the Respondent.
  - (iii) The Respondent has accrued rent arrears.

- (iv) The Respondent has been in rent arrears for three or more consecutive months.
- (v) The Respondent being in rent arrears is not as a result of a delay or failure in the payment of a relevant benefit.
- (vi) The Applicant has complied with the pre-action protocol.
- (vii) It is reasonable to grant an eviction order.

### **Reasons for Decision**

9. Ground 12 of Schedule 3 of the Act provides that it is an eviction ground if the tenant has been in rent arrears for three or more consecutive months. The Tribunal may find that this applies if for three or more consecutive months the tenant has been in rent arrears and the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order. The Tribunal is satisfied that Ground 12 has been established.
10. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider whether the tenant's being in arrears of rent over that period is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. There was no evidence before the Tribunal that the Respondent was in rent arrears as a result of a delay or failure in the payment of a relevant benefit.
11. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations. The Tribunal was satisfied on the evidence before it that the Applicant has complied with the pre-action protocol by sending correspondence to the Respondent.
12. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
13. The arrears of rent are substantial, and the Respondent has failed to comply with an agreed payment plan. The Respondent did not see fit to attend the CMD or make any representations to assist the Tribunal in considering reasonableness. The Tribunal took into account the information provided by the Applicant, including the fact that the Respondent previously had health issues and that there may be a child living in the Property. The Tribunal was unable to assess the likely effect of an eviction order upon the Respondent and her family in the absence of any representations. The Tribunal noted that the Respondent has made payments of £1000 and £1200 in November 2025 and January 2026 respectively. Rent was also paid on 10<sup>th</sup> March 2026, however, the payments have not been made every month as agreed. The Tribunal considered it likely that, if no order was granted, the arrears would continue to rise. The Tribunal considered the tenancy is not sustainable.

14. The Tribunal took into account the information provided on the Applicant's circumstances. The Tribunal considered the Applicant is suffering financially and personally as a result of the Respondent's failure to pay the rent and address the arrears.

15. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondent to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondent failed to do so. The Tribunal considered it was reasonable to grant the order sought.

### **Decision**

16. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 15<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.**

Helen Forbes

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**Legal Member/Chair**

**13<sup>th</sup> April 2026**  
**Date**