



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”) and Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/EV/25/4699

Re: Property at Flat 1/1, 38 Airlie Street, Glasgow, G12 9TP (“the Property”)

Parties:

Arnloss Management Company Limited, Blairnile, Golf Course Road, Balmore, G64 4AW (“the Applicant”)

Mr Chris McKenzie, Flat 1/1, 38 Airlie Street, Glasgow, G12 9TP (“the Respondent”)

Tribunal Members:

Evan Crainie (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. On 03 November 2025, the Applicant’s agents submitted an application to the Tribunal seeking an order of eviction.
2. On 19 November 2025, the application was accepted for determination by the Tribunal.
3. A case management discussion (“CMD”) was held by audio conference on 08 May 2026.

The CMD

4. The applicant was present and represented by Ms Sophie Newberry of Complete Clarity Solicitors.

5. The Respondent was present.
6. The Respondent confirmed that he didn't dispute that there were rent arrears. He was planning on leaving the Property this year. He stated that he did not have much information on the arrears and had only become aware of them when Sheriff Officers served the papers relating to this Application on him. The Applicant disputed that no contact had been made with the Respondent in respect of the arrears and Ms Newberry, on behalf of the Applicant, submitted that the Respondent should be aware of their obligation to pay rent. Ms Newberry further stated that there had been arrears for a significant amount of time and Ground 12 was therefore established. Ms Newberry confirmed that the arrears had reduced since the application was submitted from £6600 to £3300.
7. Ms Newberry confirmed that an Order for eviction is sought. The Respondent confirmed that he lives in the Property alone, is self-employed and has no children. The Respondent stated he had no disabilities or health issues that the Tribunal should be aware of.
8. On further questioning from the Tribunal, the Respondent confirmed that he has lived in the Property since September of 2001 (with the tenancy being converted to a Private Residential Tenancy by way of tenancy agreement which commenced on 24 February 2018). Since 2001, the Applicant has increased the monthly rent by £50. The Respondent explained that the reason for the arrears was his income being erratic. When asked if he was engaging with the local authority in terms of rehousing, the Respondent confirmed that he would not be moving to social housing and would instead be moving in with family. Finally, the Respondent stated that he hoped to be out of the Property by 1 June 2026.
9. The Tribunal explained to the Respondent that if an eviction order was to be granted, then it is normally enforceable within 30 days. The Respondent was asked if he had any submissions in terms of this timescale, should an eviction order be granted. The Respondent confirmed that he would like some leeway, if possible, to allow for the sale of his business and to remove the remaining belongings (having already removed 75/80% of his belongings from the Property). The Applicant's representative was asked for submissions on this and, following an adjournment, confirmed that should an eviction order be granted, the Applicant would be content with an extension to 15 June 2026 before any eviction order could be enforced.
10. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.

Findings in Fact

11. The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property with a commencement date of 24 February 2018.
12. The monthly rent due under the private residential tenancy is £550.
13. The rent arrears due as at 3 November 2025 were £6600.
14. The rent arrears due as at 8 May 2026 were £3300.
15. There have been rent arrears continuously since January 2019.

Issue for the Tribunal

16. The issue for the Tribunal was to determine whether or not to grant the Order sought.
17. The Ground on which the Application proceeds is Ground 12 which states:

“(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.”

18. The Tribunal was satisfied that the Ground has been met and that the Respondent had been made aware of the consequences of their failure to pay rent.
19. Therefore, the statutory ground and procedure being established, the issue for the Tribunal was to determine if it is reasonable to grant the Order.

Decision and Reasons for Decision

20. The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1947 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
21. The Tribunal had regard to the facts that the Respondent had been in arrears since January 2019 and that he had confirmed he was in the process of leaving the Property to move in with a family member. The Tribunal's view is that the level of arrears being £3,300 combined with the length of time which arrears have existed leads to it being untenable for the Respondent to

continue as a tenant in the Property. The Tribunal found that the Applicant is entitled to receive payment of rent and that this entitlement outweighs the Respondents' rights to remain in the Property. Accordingly, the Tribunal was satisfied that it is reasonable to issue an Eviction Order.

22. Taking into account the parties' submissions regarding the timescales for execution of the Eviction Order, the Tribunal decided that the Eviction Order should not be executed prior to 12 noon on 15 June 2026 to allow the Respondent time to remove the remainder of his belongings from the Property.

23. The decision is unanimous.

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.

Evan Crainie

Legal Member/Chair

8.5.26
Date
