



**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/25/4513**

**Re: Property at 8 Millview Meadows, Neilston, G78 3ND (“the Property”)**

**Parties:**

**Mrs Kirsty Hunter, 5 Maiden Moor Place, East Kilbride, G75 7AE (“the Applicant”)**

**Mr David Finnigan, 8 Millview Meadows, Neilston, Glasgow, G78 3ND (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the 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 Respondent 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 dated 21 April 2026 were issued to the parties informing them that a CMD had been assigned for 21 May 2026 at 10am, which was to take place by conference call. The letter was served on the Respondent by sheriff officer on 22 April 2026 by depositing it in the letterbox of the Property. 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 Respondent was invited to make written representations by 12 May 2026. No representations were received by the Tribunal.

4. On 23 March 2026, the Tribunal received an email from the Applicant advising that the Property appeared to be vacant and in a state of disrepair.

#### **The case management discussion – 21 May 2026**

5. The CMD took place by conference call. The Applicant joined the call and represented herself. The Respondent did not join the conference call and the discussion proceeded in his absence. The Tribunal explained the purpose of the CMD.
6. The Applicant explained that she was last in contact with the Respondent around March 2026. The Respondent told her that he had been in contact with the local authority but has not yet been offered alternative accommodation. He is still living in the Property and neighbours have reported that the Respondent's adult son stays at the Property from time to time. The Respondent is in employment. He has made several promises to pay the rent but has failed to do so. The last payment made by the Respondent was in August 2025 and the rent arrears now amount to £10,000. The Applicant continues to pay a mortgage in respect of the Property. In the event that she recovers possession of the Property, she intends to sell it.

#### **Findings in Fact**

7. The Applicant is the heritable proprietor of the Property at 8 Millview Meadows, Neilston, Glasgow, G78 3ND.
8. The Respondent is the tenant at the Property.
9. The parties entered into a private residential tenancy which commenced 21 November 2023.
10. The Applicant served Notice to Leave on the Respondent by email on 16 September 2025.
11. The Respondent has been in rent arrears for more than 3 consecutive months.

## **Reason for Decision**

12. 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.
13. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. The rent statement lodged with the application discloses that the Respondent has been consistently in arrears of rent since January 2025. Since the application was submitted, the rent arrears have increased to £10,000 and the last payment made by the Respondent was in August 2025. The Tribunal concluded that the ground of eviction is established.
14. In relation to reasonableness, the Tribunal observed that the Respondent has not engaged in this process. The Applicant has complied with the pre-action protocol. There is a significant balance of rent arrears now due to the Applicant. The Respondent is failing to meet his primary obligation to pay rent, has not engaged with the Tribunal and has not adhered to his offers to pay the ongoing rent and arrears. It appears that either the tenancy is unaffordable to the Respondent or he is deliberately choosing not to pay rent. Taking account of all of these matters, the Tribunal was persuaded that it is 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**

**Date 21<sup>st</sup> May 2026**