



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/5522

Re: Property at 61 BELVIDERE CRESCENT, BISHOPBRIGGS, G64 2JR (“the Property”)

Parties:

MR JAMES JACKSON, 26 HAWTHORN AVENUE, LENZIE, GLASGOW, G66 4RA (“the Applicant”)

MISS HEATHER RAMSEY, 61 BELVIDERE CRESCENT, BISHOPBRIGGS, G64 2JR (“the Respondent”)

Tribunal Members:

Fiona Stephen (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 application for the order for eviction should be granted.

Background

1. By application dated 18 December 2025, the Applicant sought an order for eviction under section 51 of the Act and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 26 January 2026 the application was accepted by the Tribunal and referred to it for determination.
2. A Case Management Discussion (CMD) was set to take place on 2 June 2026 at 10am by teleconference call.
3. The Respondent was served with the papers in this case and intimation of the CMD by Sheriff Officers on 30 April 2026 conform to Execution of Service of

the same date. Written representations were to be lodged with the Tribunal by 20 May 2026. No written representations have been received.

4. On 1 June 2026 the Tribunal was advised that the Respondent had made a request to postpone the CMD by email dated 26 May 2026. The reason given by the Respondent was that she was having difficulty securing legal representation. She stated that she had tried calling many legal firms including Govan Law Centre and Shelter but as she sought legal aid many solicitors were not willing to take her case on. She also stated she had two children. No other details were given and no information was provided about her position relating to the rent arrears or possible defence to the Application. A copy of this email was sent to the Applicant on 1 June 2026 who objected to the postponement on the basis that this was unnecessary, the arrears had increased to £13,650.00 and he was having to bear the full financial burden relating to the property including servicing of a substantial mortgage. In short, the request for a delay was unreasonable in the circumstances.
5. The Tribunal took account of each party's representations. Having regard to all the circumstances, the Tribunal refused the Respondent's request for a postponement on the basis that further delay would unfairly prejudice the Applicant. There were substantial arrears of rent and the Respondent offered no information about her potential defence to the Application. Both parties were informed by email dated 2 June 2026 that the CMD would proceed.
6. The Tribunal had before it:
 - (i) The Application Form E;
 - (ii) A tenancy agreement between the Applicant and Respondent relating to the property dated 25 January 2024;
 - (iii) Confirmation from the Scottish Landlord Register that the Property is registered in the name of the Applicant; and
 - (iv) Case Papers.

Case Management Discussion

7. A Case Management Discussion (CMD) took place on 2 June 2026 by teleconference call. Mr James Jackson attended. There was no appearance by the Respondent.
8. The Tribunal explained the purpose of the CMD and the powers of the Tribunal to determine matters. The Tribunal asked various questions with regard to the application.
9. The Tribunal explained the matters which it had to consider in terms of Ground 12 of Schedule 3 of the Act before it could decide whether or not to grant the eviction order including that it had to be satisfied it was reasonable to grant any order.

10. The Tribunal noted that the tenancy commenced on 25 January 2024 at a rent of £1050.00 per month. The Applicant had provided an up to date statement of rent arrears which showed that as at 25 May 2026 these stood at £13,650.00. No payments of rent had been received since 25 June 2025. The Applicant explained that the Respondent had not set up a standing order for payment of rent as provided for in the tenancy agreement. Her payments had been sporadic with payments often being a couple of days late. Initially, the Respondent said that she had a problem with her employer, the NHS, paying her and backdating pay. When the Respondent stopped paying rent in June 2025, the Applicant contacted her to find out if anything was wrong. He would have been happy to come to some arrangement with her but she did not engage with him.
11. The Applicant contacted the Respondent as he required access to the property to have a survey done for financial purposes and at that time he offered to set up a payment plan with the Respondent but she rejected this. She did not provide access. The Applicant contacted the letting agents, CODA, who had secured the Respondent as a tenant. They had assessed her income as sufficient to meet the rental payments which came from a combination of her work, believed to be as an auxiliary within the NHS, and benefits. The Applicant was unaware of why the Respondent had stopped paying the rent. On another occasion the Respondent ignored a request for access to the garden to trim a hedge on adjacent ground. The Applicant got to the point when he realised that he would have to take formal action.
12. The Tribunal noted that the Applicant has complied with the pre-action protocol requirements in addition to the other contact he has had with her. He had sent her letters on 11, 16 and 23 September 2025. He received no response to them. He has had no contact with her for about 10 months. The Applicant is aware that the Respondent has two children but does not know their ages.
13. The Tribunal noted that the Respondent's failure to pay rent is having a significant financial impact on the Applicant. He is servicing a mortgage on the property of around £800 per month. With insurances, his outlay is approximately £1000 per month. He is meeting this from his own income at present but it is difficult with no income coming in from the property. He has two children himself to provide for.
14. The Applicant also stated that prior to the Respondent moving in to the property he had spent around £15,000 installing a new kitchen and bathroom. He has not been able to inspect the property given the Respondent's lack of engagement and so he does not know what condition it is in or what he might need to spend on it when she moves out.

Findings in Fact

15. The Applicant is the registered owner of the property;

16. The Applicant let the property to the Respondent under a Private Residential Tenancy Agreement dated 25 January 2024 within the meaning of the Act;
17. The agreed monthly rental for the property was £1,050.00 which commenced on 25 January 2024;
18. The Applicant has competently served a notice to leave on the Respondent dated 26 October 2025 under ground 12 of Schedule 3 of the Act. Service was effected by email as provided for in the tenancy agreement. The notice became effective on 26 November 2025. The notice informed the tenant that the landlord wished to seek recovery of possession using the provisions of the Act;
19. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;
20. As at the date of the Notice to leave the Respondent had been in arrears of rent for three or more consecutive months as required under ground 12 of Schedule 3 of the Act. She was in arrears of 5 months rent at that time which amounted to £5,250.00;
21. Arrears had started to accrue from 25 June 2025;
22. The amount of arrears at the date of the CMD was £13,650.00 as shown by the up to date rent statement provided by the Applicant;
23. Prior to raising this application, the Applicant sent three pre-action protocol letters to the Respondent on 11, 16 and 23 September 2025. The Respondent did not respond at all;
24. The Applicant contacted the Respondent on a number of occasions, in addition to sending the pre-action protocol letters, to find out why the Respondent was in arrears of rent. He offered to discuss a payment arrangement with her. The Respondent did not engage with the Applicant;
25. The Applicant has had no contact from the Respondent for approximately 10 months;
26. The Respondent is not paying the current rent and has made no payments or any offer to pay the arrears of rent;
27. The Respondent has not engaged with the Applicant;
28. The Respondent has two children. Their ages are unknown;
29. The Applicant is paying approximately £1,000 per month (comprising a mortgage over the property of £800 per month plus insurances) from his own earned income;

30. The Applicant has two children to support and is finding the current situation a financial burden;
31. The basis for the order for possession on ground 12 of Schedule 3 of the Act is established.

Reasons for Decision

32. The order for possession sought by the Applicant was based on a ground specified in the Act and properly narrated in the notices served on the Respondent. The Tribunal was satisfied that notice had been served in accordance with the terms of the Act and the Applicant is entitled to seek recovery of possession on those grounds.
33. The Tribunal accepted the evidence provided by the Applicant with regard to the rent arrears. A rent statement was produced which set out the history of the arrears. Since June 2025 the Respondent has failed to pay the full rent as it fell due and significant arrears have accrued. The last payment made by the Respondent was in May 2025. Since that date no payments have been made.
34. The Tribunal was satisfied that the Respondent has been in arrears for a period far in excess of three consecutive months. The Tribunal accepted the unchallenged evidence of the Applicant relating to the arrears. The Tribunal accepted that the Applicant made appropriate attempts to encourage the Respondent to deal with the arrears. The Applicant has fully complied with the relevant provisions of the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
35. The ground for eviction based on rent arrears is established.
36. Since 7 April 2020, in terms of changes made initially by the Coronavirus (Scotland) Act 2020 and then by the Coronavirus (Recovery and Reform) (Scotland) Act 2022, an eviction order on ground 12 can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
37. The Tribunal has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the Tribunal to grant the order or decline to grant the order will be relevant. This is confirmed by one of the leading English cases, *Cumming v Danson* [1942] 2 All ER 653 at 655 in which Lord Green MR said in an often quoted passage:

“In considering reasonableness...it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad common sense way as a man of the world, and

come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account.”

38. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and weigh the various factors which apply to the parties.
39. In this case the Tribunal finds it is reasonable to grant the order. The balance of reasonableness is weighted toward the Applicant for the following reasons:
40. The level of arrears is extremely high and it is unlikely that the arrears will be paid. The Respondent is making no attempt to meet the current rent or arrears of rent. The Respondent has made no attempt to engage with the Applicant despite his reasonable attempts to do so. It is not known why the Respondent stopped paying the rent in June 2025 and she has provided no explanation for this although she has had ample opportunity to do so. The lack of payment of rent since June 2025 means that the Applicant is having to meet his financial responsibilities relating to the property from his earned income. This is placing a financial burden on the Applicant. The Applicant has not been able to access the property and does not know what condition it is in, which is a real concern to him. The Respondent has lodged no written representations with the Tribunal despite being offered an opportunity to do so. These were due to be lodged on 20 May 2026, prior to the Respondent's request for a postponement of the CMD. The Tribunal refused this request for the reasons already stated. Any delay in dealing with this matter would cause significant prejudice to the Applicant as the arrears of rent are likely to continue to accrue.
41. The Tribunal decided to exercise the power within rule 17 of the procedure rules and determined that a final order should be made at the CMD.

Decision

The Tribunal makes an order for eviction of the Respondent, Miss Heather Ramsay from the property at, 61 Belvidere Crescent, Bishopbriggs, G64 2JR.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish

to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.



**Fiona Stephen
Legal Member/Chair**

**2 June 2026
Date**