



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/25/5120

Re: Property at 36 Huntersfield Road, Johnstone, PA5 8PP (“the Property”)

Parties:

Ms Kirsty Heffron, Riverside, 9a Miliken Park Road, Johnstone, Renfrewshire, PA10 2DB (“the Applicant”)

Miss Kirsty Fletcher, 36 Huntersfield Road, Johnstone, PA5 8PP (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for possession of the Property.

Background

1. By application dated 26 November 2025 the Applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“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 27 January 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.
2. A Case Management Discussion (CMD) was set to take place on 11 June 2026, and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

1. The CMD took place on 11 June 2026 via telephone case conference. The Applicant was represented at the CMD by Louise Gordon of 247 Property Scot Ltd. The Respondent did not attend. The Tribunal was satisfied that the requirements of Rule 24 (1) regarding the giving of notice of a hearing had been complied with and proceeded with the Case Management Discussion in terms of Rule 29 of the 2017 Rules.
3. The Tribunal heard from the Applicant.
4. The Applicant made reference to the statement of account. Initially, the Applicant received the rental payments directly by virtue of the claim made by the Respondent for Universal Credit. In addition, the statement of account showed that the Respondent made payment of £10 per week towards the arrears. The statement of account showed that there were arrears of rent of £2199.20 on 7 April 2025. Rental payments were made each month until 24 January 2026. The last payment of £10 was made on 23 October 2025. The Respondent was in arrears of rent from at least April 2025 until January 2026. The Applicant had applied to have the payments of rent made directly to them from Universal Credit, but this application was refused on the basis that the Respondent failed to consent. The Applicant told the Tribunal that letters were sent each month advising the Respondent of the level of arrears. All of the communications with the Respondent give information on Citizens Advice Bureau and assistance with benefits. Visits had been attempted on at least 4 occasions to discuss the arrears with the Respondent, but she would not answer the door. The last inspection of the property was in March 2025.
5. The Applicant understands that the Respondent has one son who is around 20 years old. The Applicant understands that he may stay occasionally with the Respondent but he is not a tenant on the lease.
6. The Property is the Applicant's only rental property. It had been her principal home until she moved to live and care for her parents.
7. The Property comprises three bedrooms.

Findings in Fact

8. The Applicant is the registered owner of the property.
9. The Applicant is the landlord and the Respondent the tenant in terms of the private residential tenancy entered into on 24 May 2019.
10. On 17 September 2025 the applicants served upon the respondent a notice to leave as required by the Act. The notice informed the respondent that the applicant wished to recover possession using the provisions of the Act.

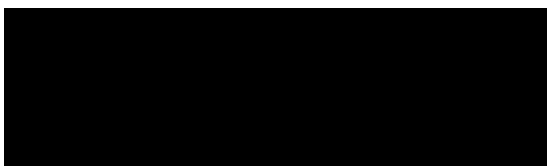
11. A notice was served on Renfrewshire Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003 on 26 November 2025.
12. At the date of service of the Notice to Leave and the date of making the Application the Respondent had been in rent arrears for three or more consecutive months.

Reasons for Decision

13. The Tribunal noted that the eviction was sought under and in terms of ground 12 of schedule 3 of the Act.
14. The Tribunal determined to make an order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord it finds that one of the eviction grounds named in the schedule 3 applies. In the Notice to Leave the Applicant states that they sought recovery of possession of the property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months.
15. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the respondent indicating that the applicant intended to seek an eviction order based on ground 12.
16. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established,
17. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
18. The Tribunal find that it is reasonable to grant the order. The Tribunal accept the evidence provided by the Applicant. The Respondent has offered no explanation for her failure to make payment of the rent or to allow the Universal Credit to be paid directly to the Applicant. The Respondent has refused to engage with the Applicant in their attempts to discuss the arrears with her. The Respondent has been provided with information as to where relevant advice may be sought.
19. In all the circumstances it is reasonable to grant the order.
20. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

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.



Julie McKinlay

11 June 2026

Legal Member/Chair

Date