



Decision 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/25/4172

Re: Property at 27 Galalaw Road, Hawick, TD9 8DP (“the Property”)

Parties:

CGS Property Management Ltd, Rosslyn Associates, The Walled Garden, South Building, Bush Estate, Penicuik, Midlothian, EH26 0SD (“the Applicant”)

Miss Shauna Cooper, Mr Johnathan Baranowski, 27 Galalaw Road, Hawick, TD9 8DP (“the Respondents”)

Tribunal Members:

Andrew Upton (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that (i) Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 applies, (ii) it is reasonable to grant an eviction order, and (iii) the Private Residential Tenancy between the parties will end on 22 June 2026.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 22 May 2026. The Applicant was represented by Mr Dodds. The Respondents were neither present nor represented.
2. In this Application the Applicant seeks an eviction order under ground 12 of schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). It says that the Respondents are in rent arrears and have been in rent arrears for a continuous period of three calendar months. Notice to Leave on that basis was given by the Applicant on 3 July 2025 and has expired.

3. At the date of raising the Application the arrears were said to be £4,033. Mr Dodds confirmed that the arrears had increased to £10,033. No payments have been received from the Respondents since June 2025. Mr Dodds said that there had been a general lack of engagement from the Respondents both in respect of their payment obligations and as regards allowing access for safety inspections. He spoke of the Respondents having cancelled gas safety inspections and failed to engage in finding alternative suitable dates. The Property is subject to a buy to let mortgage, though Mr Dodds did not have further detail regarding the amount of the lending or the contractual monthly payments. He understood that Miss Cooper is in employment but is unaware of Mr Baranowski's employment status. There has been no contact from the local authority or other public sector body regarding housing benefit. Mr Dodds understands that the Respondents have a teenage child living at the Property. He is unaware of the Respondents or their child having any medical conditions. The Property has not been adapted for their use. The most recent contact from the Respondents was on 30 March 2026 as regards the gas safety inspection. Mr Dodds asserted that the letting agent had taken reasonable steps to try to engage with and assist the Respondents pre-action but that the Respondents' failure to engage had necessitated the action. He invited the Tribunal to grant the eviction order. A previous payment arrangement had not been kept to and arrears continue to accrue.
4. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing including make a Decision. In terms of Rule 2 the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision. That includes a need to avoid unnecessary delay in proceedings.
5. The Respondents have received notification of the Application and the Case Management Discussion. They have chosen not to lodge written representations or attend the Case Management Discussion. In those circumstances, the Tribunal is satisfied that they do not wish to contest the allegations made in the Application, including that they are in rent arrears and have been in rent arrears for a continuous period of three months.
6. The Tribunal is satisfied that the Respondent is in rent arrears and has been for a continuous period of three months. The requirements of Ground 12 are accordingly established. The only question remaining is whether it is reasonable to grant the eviction order. Having had regard to all of the circumstances as narrated in the Application and submitted at the Case Management Discussion, the Tribunal unanimously determined that it was reasonable to grant the eviction order. The Tribunal gave particular weight to the level of arrears in this case, the lack of payments since June 2025 and the lack of engagement by the Respondents with the Applicant's letting agent on matters concerning the Property.
7. The Tribunal accordingly granted the eviction order. For the purposes of section 51(4) of the 2016 Act, the Tribunal determined that the Private Residential Tenancy between the parties will end on 22 June 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.

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.

A. Upton

22.05.26

Legal Member/Chair

Date