



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/25/4373

Re: Property at 42 Alloway Drive, Kirkintilloch, Glasgow, G66 2NF (“the Property”)

Parties:

Colwall Property Ltd, Barton Lodge, Colwall, Malvern, Worcestershire, WR13 6HN (“the Applicants”)

Mr Robert Latham Scott and Miss Jenna Clark, both 42 Alloway Drive, Kirkintilloch, Glasgow, G66 2NF (“the Respondents”)

Tribunal Members:

George Clark (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondents)

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

Background

1. By application, dated 8 October 2025 and amended on 20 November 2025, the Applicants sought an Order for Possession of the Property under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, (arrears of rent over three consecutive months).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 30 October 2023 at a monthly rent of £1,190, and a Notice to Leave, dated 2 September 2025, advising the Respondent that the Applicants were seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 3 October 2025. The Applicants later provided a Rent Statement showing that the account has been in arrears

since December 2023 and that the arrears stood at £11,080 on 20 November 2025. The Applicants also provided copies of pre-action protocol emails sent to the Respondents on 29 January and 7 February 2024.

3. On 25 April 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 16 May 2026. The Respondents did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 28 May 2026. Mr Michael Thompson, a Director of the Applicants, was present and was represented by Mrs Alison Spence of McTurk and Muir Lettings Ltd, Glasgow. The Respondents were not present or represented.
5. The Applicants' representative told the Tribunal that the rent arrears have increased to £14,626. The Respondents had been paying £298 per week for a few months until February 2026 and made a payment of £300 on 16 March 2026 but have paid nothing since then. The Applicants hold an Order for Payment granted by the Tribunal in respect of rent arrears. Mrs Spence was not aware of any disabilities, vulnerabilities or health issues affecting the Respondents and understood that Mr Scott is in full-time employment and Miss Clark works part-time and that they have two teenage children living with them. There has been regular engagement with the Respondents but promises of regular payments to meet current rent and reduce the arrears have all been broken. Mr Thompson added that there is a mortgage over the Property and the Applicants are in a difficult financial position as a result of the Respondents' consistent failure to keep promises.

Reasons for Decision

6. 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 Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. Section 51 of the 2016 Act states that the Tribunal is to 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 Schedule 3 applies.
8. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, at the beginning of the day on which the Tribunal first considers the application for an Eviction Order on its merits, the tenant is in arrears of rent by an amount equal to or greater

than the amount which would be payable as one month's rent under the tenancy on that day, and has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months, that the Tribunal is satisfied that the tenant's being in arrears of rent over that period is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order.

9. The Tribunal was satisfied that the Respondent has been in rent arrears for three or more consecutive months and that the current arrears exceed one month's rent. Accordingly, the only matter for the Tribunal to determine was whether it was reasonable to issue an Eviction Order.
10. The Tribunal noted that the arrears are very substantial and long-standing and are increasing every month and that this is causing financial difficulty for the Applicants who have to meet monthly mortgage payments as well as insurance and other upkeep costs. The Respondents had not provided either by way of written representations or appearance at the Case Management Discussion, any information regarding their personal circumstances that they would wish the Tribunal to take into account in determining the application.
11. Having considered carefully all the evidence before it, the Tribunal decided that it was reasonable to issue an Eviction Order against the Respondents under Ground 12 of Schedule 3 to the Act.
12. The Tribunal's Decision was 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.

Mr G Clark

Legal Member/Chair

28 May 2026

Date