



**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/25/3324**

**Re: Property at Flat 2/2, 1503 Dumbarton Road, Scotstoun, Glasgow, G14 9XQ (“the Property”)**

**Parties:**

**Mr John Logan, 1 Brown Court, Steps, North Lanarkshire, G33 6FD (“the Applicant”)**

**Mr Michael Dorran, Flat 2/2, 1503 Dumbarton Road, Scotstoun, Glasgow, G14 9XQ (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an eviction order under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016, with enforcement of the order suspended until 12 July 2026.**

**Background**

1. This is an application for an order for repossession under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”) based on Ground 12 (rent arrears) of Schedule 3 of the 2016 Act.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties dated 27 November 2021, photographs of a Notice to Leave dated 5 April 2025, and an email dated 3 August 2025 addressed to Glasgow City Council with a Notice under Section 11 of the Homelessness etc.(Scotland) Act 2003.

3. On 6 December 2025, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 23 March 2026 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 13 April 2026. The Tribunal advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the Regulations would proceed on 11 May 2026. This paperwork was served on the Respondent by Andrew McLean, Sheriff Officer, Glasgow on 25 March 2026 and the Execution of Service was received by the Tribunal administration.
5. In response to a Notice of Direction the Applicant lodged an up to date .rent statement showing arrears of £6400 and clarified that he wished to proceed on Ground 12 of Schedule 3 of the 2016 Act.

### **Case Management Discussion**

6. The Tribunal proceeded with a CMD on 11 May 2026 by way of teleconference. Both parties were in attendance and represented themselves. The Applicant’s wife Mrs Logan was also in attendance.
7. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 27 November 2021, the photographs of a Notice to Leave dated 5 April 2025, the rent statement and the email dated 3 August 2025 addressed to Glasgow City Council with a Notice under Section 11 of the Homelessness etc. (Scotland) Act 2003. The Tribunal considered these documents.
8. Mr Logan submitted that arrears were £6400. The last payment was of £850 in February 2026. He had a mortgage on the Property and was having to borrow money as the rent was not getting paid. He was suffering financial hardship and would need to sell the Property. He had spoken to an Estate Agent about selling but could do nothing until he obtained possession.
9. In response, Mr Dorrان admitted he was in arrears of £6400. He had had a lot of personal issues and had been involved in a court case regarding his children, who were 15 and 18, and who both lived with him. His daughter was now working. He had health difficulties, including a brain tumour, and had struggled to keep on top of everything. He explained he had known the Applicant for a long time and appreciated that he was under financial pressure due to the arrears. He had hoped to buy the Property but had not managed to organise that. He was struggling to get by. The Applicant had been patient with him and discussed the arrears with him. He was on Universal Credit and undertook to pay the housing element to the Applicant. He had a Social Worker but had not approached the Council regarding rehousing. He confirmed he did not oppose the application but was simply looking for two months to move out.
10. The Applicant advised that he would not have any issue with the Order being suspended for two months.

### **Reasons for Decision**

11. The Tribunal considered the issues set out in the application together with the documents lodged in support and the submissions made by both parties.
12. Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 gives the power to the Tribunal to evict if it finds that any of the grounds in Schedule 3 apply. This application proceeds on Ground 12 (rent arrears).
13. In terms of Section 52 of the 2016 Act the Tribunal is not to entertain an application for an eviction order unless it is accompanied by a Notice to Leave and unless the eviction ground applied for is stated in the Notice to Leave accompanying the application.
14. In terms of Section 54 of the 2016 Act a landlord may not make an application to the Tribunal for an eviction order against a tenant until the expiry of the relevant period in relation to that Notice. The relevant period begins on the day the tenant receives the Notice, which in the case of Ground 12 of Schedule 3, is 28 days. The Notice to Leave clearly states that it proceeds on Ground 12 of Schedule 3 of the 2016 Act and states the amount of arrears at Part 2 of the Notice.
15. The Tribunal considered the Respondent had not opposed the order for eviction. The arrears were substantial at £6400. The Tribunal found that the Applicant had established a case under Ground 12. However, Ground 12 is a discretionary ground of eviction. As well as being satisfied the facts have been established to support the ground, the Tribunal has to be satisfied that it is reasonable to evict.
16. The Tribunal accepted the Respondent's submissions that the Applicant had discussed the arrears with him, but that he was struggling financially. The Tribunal gave considerable weight to the fact the Respondent admitted the arrears and did not oppose the application. The Tribunal noted that notice under Section 11 of the Homelessness etc. (Scotland) Act 2003 addressed to Glasgow City Council had been served. The Tribunal was satisfied on the basis of the documents lodged, together with submissions made by both parties that the balance of reasonableness in this case weighted towards the Applicant. However the Tribunal was also mindful of the Respondent's health difficulties and determined that it would be reasonable to suspend the Order for two months.
17. In the circumstances the Tribunal considered that in terms of Ground 12 of Schedule 3 the Respondent is in rent arrears and that it is reasonable to grant an eviction order in terms of Section 51 of the 2016 Act suspended for two months.

### **Decision**

18. The Tribunal granted an Order of eviction suspended for a period of two months. The decision of the Tribunal 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.**

Shirley Evans

**11 May 2026**

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**Legal Member**

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**Date**