



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/25/1820

Re: Property at 2/2 10 Meadowbank Street, Dumbarton, G82 1SD (“the Property”)

Parties:

Miss Rajvinder Kaur, 7 Birnock Avenue, Renfrew, PA4 0YW (“the Applicant”)

Mr James Duncan, 2/2 10 Meadowbank Street, Dumbarton, G82 1SD (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 26th April 2025. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. A Case Management Discussion (“CMD”) was held on 3rd November 2025 by teleconferencing. The Respondent contacted the Housing and Property Chamber on the day of the CMD to say he had an emergency doctor’s appointment and would not be able to attend. He asked for the case to be postponed. The Tribunal decided not to adjourn and proceeded with the CMD. The Applicant’s representative said that there has been no contact from the Respondent since August 2025. The arrears are continuing to accrue. The Tribunal continued to a new date and issued a direction to direct the Respondent to confirm his position, particularly, if he disputes the arrears and

the granting of an order for eviction. There was no response to this direction. A date for a new CMD was set.

3. On 5th January 2026, the Applicant's representative emailed the Housing and Property Chamber lodging a rent statement and amending the amount sought in the conjoined case to £8030.25. He said in his email that the Respondent had contacted his office when he was not there. The Respondent told Mr Anderson-Troy's colleague that he was not opposed to an order for eviction being granted. He will not get rehoused by his local authority until such time as the Tribunal grants and order for eviction. He did not dispute the arrears.
4. On 6th February 2026, all parties were written to with the date for the CMD of 11th March 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 27th February 2026.
5. On 11th February 2026, the Applicant's representative emailed the Housing and Property Chamber requesting a postponement as he had two CMD's on the same day.
6. On 14th May 2026, the Applicant's representative emailed the Housing and Property Chamber lodging an up to date rent account for the period 5th October 2021 – 5th May 2026 detailing arrears at £9470.25.
7. On 14th April 2026, all parties were written to with the date for the CMD of 18th May 2026 at 10am by teleconferencing.
8. The case was conjoined with case FTS/HPC/CV/25/1821

The Case Management Discussion

9. A CMD was held on 18th May 2026 at 10am by teleconferencing. The Applicant was represented by Mr Ian Anderson-Troy Penny Lane Homes. The Respondent was not present and was not represented. The Tribunal waited until 10.05am to see if the Respondent would attend the CMD. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
10. Mr Anderson-Troy said that the current arrears remained as per his email of 14th May 2026. He understood that the conjoined application could not be amended to that amount as there had not been the sufficient notice to the Tribunal. This rent account was to illustrate the current position regarding the arrears.
11. Mr Anderson-Troy said that when the Respondent had called his office in January 2026 he had not been there to speak to the Respondent. His colleague spoke to him. Mr Anderson-Troy said that he had tried to telephone the Respondent and sent him emails but there was no response. The Respondent has not been in contact since.
12. Mr Anderson-Troy said that the rent charge has remained at £360 per month. He understands that the Respondent was entitled to Universal Credit. The Applicant did apply for direct payments from the DWP but this was refused. The

DWP does not provide any information when an application has been refused for direct payments.

13. Mr Anderson-Troy said that he sent out the Pre Action Requirement (“PARs”) letters when he issued the Notice to Leave. This was in December 2024. He had originally emailed it then but on further consideration it was deemed that service had to be done by sheriff officers service as per the lease. This is why the PARs had been done in December 2024 when the Notice to Leave used in this case was dated 12th February 2025.
14. The Tribunal was satisfied that it was reasonable to grant an order for eviction.

Findings and reason for decision

15. A Private Rented Tenancy Agreement commenced 5th October 2021.
16. The Respondent persistently failed to pay his rent charge of £360 per month. The rent payments are due to be paid on the fifth day of each month.
17. The Respondent has been in rent arrears for three or more consecutive months when the notice was served. The rent account has been in arrears since 5th August 2024.
18. The Respondent is not opposed to the granting of an order. The Respondent has spoken to his local authority housing department who will not rehouse him until an order for eviction has been granted.
19. The arrears sought in the conjoined application are £8030.25. The current arrears are £9470.25.
20. The Respondents have no known vulnerabilities or disabilities.
21. The issue of reasonableness, while fully considered, was viewed in the context of the action not being opposed and the level of non payment of rent. Accordingly, this weighed in the favour of granting the Order.

Decision

22. The Tribunal found that ground 12 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

18th May 2026

Legal Member/Chair

Date