



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/4438

Re: Property at 84 North Lodge Wynd, Glasgow, G33 4BF (“the Property”)

Parties:

SFH opco Limited, Casa by Moda, Central House, Otley Road, Harrogate, HG3 1UF (“the Applicant”)

Mr Josh Kenneth Isaac, Ms Kim Allison Neilly, 84 North Lodge Wynd, Glasgow, G33 4BF (“the Respondents”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 12. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 18th December 2024 at a monthly rent of £1775, a notice to leave with evidence of service, a section 11 notice with evidence of service, pre-action requirement correspondence, and a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondents by Sheriff Officer on 27th April 2026.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 27th May 2026. Ms Rachel Boyle represented the Applicant. The Respondents were not in attendance. The start of the CMD was delayed to allow the Respondents to attend. The Respondents did not attend.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
5. Ms Boyle said the Respondents have not been in touch with the Applicant or the letting agent since November 2025. The letting agent has been contacting the Respondents regularly. Ms Boyle asked the Tribunal to grant an eviction order. No rent has been paid since the tenancy commenced. The balance of arrears is now £30,675.
6. Responding to questions from the Tribunal, Ms Boyle said the Respondents are a mother and her adult son. There are two children under sixteen living in the Property. In November 2025, the Respondent, Ms Neilly, stated in an email that she was awaiting a back payment from Universal Credit and would make payment of the arrears. Ms Neilly stated that she had been in hospital. Ms Boyle said that an inspection of the Property had been carried out in September 2025, at which time Ms Neilly had been in hospital. Ms Boyle said the Respondents had been in receipt of benefits from the start of the tenancy. It was not known if Mr Isaac was in employment. Ms Boyle was not aware of any social or medical issues in respect of the children. Ms Boyle said the Applicant is a build-to-rent company.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property, which commenced on 18th December 2024 at a monthly rent of £1775.
 - (ii) The Applicant has served a Notice to Leave upon the Respondents.
 - (iii) The Respondents have accrued rent arrears.
 - (iv) The Respondents have been in rent arrears for three or more consecutive months.
 - (v) The Respondents being in rent arrears is not as a result of a delay or failure in the payment of a relevant benefit.
 - (vi) The Applicant has complied with the pre-action protocol.
 - (vii) It is reasonable to grant an eviction order.

Reasons for Decision

8. Ground 12 of Schedule 3 of the Act provides that it is an eviction ground if the tenant has been in rent arrears for three or more consecutive months. The

Tribunal may find that this applies if for three or more consecutive months the tenant has been in rent arrears and the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order. The Tribunal is satisfied that Ground 12 has been established.

9. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider whether the tenant's being in arrears of rent over that period is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. Although there was anecdotal evidence that one of the Respondents had mentioned a backdated payment of Universal Credit in November 2025, there was no evidence before the Tribunal that the Respondents were in rent arrears as a result of a delay or failure in the payment of a relevant benefit.
10. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations. The Tribunal was satisfied on the evidence before it that the Applicant representative has complied with the pre-action protocol by sending letters to the Respondents.
11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
12. The Respondents have paid no rent since the start of the tenancy, a period of over 17 months. The arrears are substantial and rising. The Respondents did not see fit to attend the CMD or make any representations to assist the Tribunal in considering reasonableness. The Tribunal took into account the information provided by the Applicant representative, including the fact that one of the Respondents previously had health issues. The Tribunal took into account the fact that children are living in the Property. The Tribunal was unable to assess the likely effect of an eviction order upon the Respondents or the children in the absence of any representations. The Tribunal considered it likely that, if no order was granted, the rent would not be paid and the arrears would continue to rise. The Tribunal considered the tenancy is not sustainable
13. The Tribunal considered the Applicant is suffering financially as a result of the Respondents' failure to pay the rent and address the arrears. The Applicant is entitled to expect tenants to pay their rent.
14. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondents to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondents failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

15. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 30th 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.

Helen Forbes

Legal Member/Chair

27th May 2026
Date