



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988.**

**Chamber Ref: FTS/HPC/EV/25/4892**

**Re: Property at 112 Neilston Road, Flat 1-1, Paisley, PA2 6EW (“the Property”)**

**Parties:**

**Holehouse Property Company Ltd, c/o Unit 3003, Abbey Mill Business Centre, 12 Seedhill Road, Paisley, PA1 1JS (“the Applicant”)**

**Mr Tommi Brooks, 112 Neilston Road, Flat 1-1, Paisley, PA2 6EW (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

**Background**

1. An application was received by the Housing and Property Chamber on 13<sup>th</sup> November 2025. The application was submitted under Rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on grounds 11, 12 and 14 of the Housing (Scotland) Act 1988 (“the Act”).
2. On 23<sup>rd</sup> April 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 26<sup>th</sup> May 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 14<sup>th</sup> May 2026.
3. On 27<sup>th</sup> April 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 27<sup>th</sup> April 2026.

4. On 12<sup>th</sup> May 2026, the Applicant's representative emailed the Housing and Property Chamber lodging a rent account for the period 5<sup>th</sup> September 2014 to 5<sup>th</sup> May 2026 showing rent arrears of £4407. As at 9 October 2025, the date of service of the AT6, rent arrears totalled £3254.

#### The Case Management Discussion

5. A CMD was held on 26<sup>th</sup> May 2026 at 2pm by teleconferencing. The Applicant was not present but was represented by Ms Lesley Morrison, Rentahome Scotland Ltd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
6. Ms Morrison said that there was a payment of £3000 made by the Respondent on Friday 22<sup>nd</sup> May 2026. This was a credit card payment. As of yet, the payment has not cleared. It could take several more days before it clears. As it is not a bank transfer it cannot be guaranteed that it will clear or that there will be future rent payments and that the arrears will be addressed. Regardless the arrears will still be £1407 even with this payment, which is over three months of rent payments. Ms Morrison said that she was confused by this because the Respondent had been very clear to her that he was not paying his rent so that he could be rehoused by his local authority. She applied for direct payments from the DWP but was told that he was not in receipt of Housing Benefit.
7. Ms Morrison said that she went with a colleague to do an inspection in August 2025. She said that the Respondent had removed all the internal carpets, the bathroom door, the fire and heat detectors and all furniture except for a couch. He was aggressive towards them. He picked the insulation off the window and threw it at Ms Morrison's colleague. He then kicked the BT box off the wall as he did not need it. He then forcibly threw them out of the Property. Ms Morrison is very worried about what the Respondent may do further to the Property. She has not been able to undertake the required gas safety and electrical safety checks. This could have an impact upon the neighbours if there are any issues.
8. Ms Morrison does not know anything of the Respondent's personal circumstances other than that he lives on his own. He did live with a partner at the Property but she left some years ago. It is a one bedroom flat with an open plan kitchen/living room. The flat is small but the rent is well below market level. The Applicant did not want to put the rent up.
9. The Tribunal was satisfied from the evidence before it that it was reasonable to grant an order for eviction in terms of grounds 11, 12 and 14.

#### Findings and reasons for decision

10. The parties entered into an Assured Tenancy on 5<sup>th</sup> September 2015 until 6<sup>th</sup> March 2016, which was continued on a month-to-month basis thereafter. This lease was detailed as a Short Assured Tenancy but the AT5 could not be

located. The rent payments were initially £335, then latterly £379. Payment of the rent charge is due on the fifth day of each month.

11. The Respondent persistently failed to pay his rent charge of £379 per month. The rent payments are due to be paid on the fifth day of each month.
12. There are no known outstanding Housing Benefit or Universal Credit Housing Element issues.
13. The Respondent made a payment of £3000 using a credit card on Friday 22<sup>nd</sup> May 2026. This payment had not cleared by the date of the CMD. It is not guaranteed that it will clear. Even if that payment were to clear, rent arrears of £1407 would remain, which is more than three months' rent. The Respondent also failed to address the ongoing rent charge or the remaining arrears.
14. In relation to ground 11, no payments were made to the rent account between April 2025 and March 2026. As at 9th October 2025, being the date of service of the AT6, the Respondent had persistently delayed paying rent which had become lawfully due.
15. The Respondent has removed all the carpets from the Property without permission. He has removed internal doors. He has removed all of the smoke alarms and heat detectors. He physically kicked the BT box off the wall in front of the Applicant's representatives. He picked the insulation from the window and threw it at one of the Applicant's representatives during an inspection in August 2025. He has removed all the furniture from the Property with the exception of a couch. The condition of the Property has deteriorated owing to acts of waste by or the neglect or default of the Respondent.

### Decision

16. The Tribunal found that grounds 11, 12 and 14 have been established and granted an order for recovery of possession 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.**

# G. Miller

26<sup>th</sup> May 2026

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Legal Member/Chair

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Date