



**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**

**Chamber Ref: FTS/HPC/EV/25/5064**

**Re: Property at Flat 2/1 112 Deanston Drive, Glasgow, G41 3LQ (“the Property”)**

**Parties:**

**Mr Ross McKechnie, Mrs Emma McKechnie, 3 Meadows Close, Ingrave, Brentwood, CM13 3RF (“the Applicant”)**

**Miss Urszula Jochim, Flat 2/1 112 Deanston Drive, Glasgow, G41 3LQ (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

**Background**

[2] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (“CMD”), by video call at 10 am on 9 June 2026. Mr McKechnie was personally present for the Applicants. The Respondent was not present but was represented by her solicitor, Ms Fidelo of LSA. Ms Fidelo had submitted representations in advance of the CMD indicating that the Application was not opposed but explaining that the Respondent would wish the Tribunal to delay the date before which any order could be enforced by a period of three months.

[4] The Tribunal discussed the issues involved fully with parties. The Respondent lives alone in the Property and is said to have mental health issues. She is currently receiving support from the local authority. Ms Fidelo invited the Tribunal to allow an extra period of three months to try and allow as much time as possible to avoid the need for the local authority requiring to use temporary accommodation to accommodate the Respondent. The Tribunal discussed that the Respondent had not paid any rent whatsoever throughout the entirety of 2026. Her last payment was in Autumn 2025. She received Universal Credit and also an additional payment for her housing costs. Ms Fidelo could provide no explanation as to why nothing had been paid or what had been done with the housing payment.

[5] Mr McKechnie explained that he is suffering financial hardship as a result of the chronic non-payment of rent. He is having to pay the mortgage over the Property and the associated running costs and this is causing stress and anxiety in his own household.

[6] Having heard from Mr McKechnie and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

### **Findings in Fact**

- 1) *The Applicants let the Property to the Respondent under a Private Residential tenancy within the meaning of the Act;*
- 2) *The Respondent fell into rent arrears and the sum of £11,011.00 is now lawfully due as arrears of rent by the Respondent to the Applicants;*
- 3) *The Applicant has signposted the Respondent to sources of financial support;*
- 4) *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established as at today’s date;*

- 5) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- 6) *The Respondent lives alone and is receiving support from her local authority to find alternate accommodation.*

### **Reasons for Decision**

[7] Having made the above findings in fact, the Tribunal considered that the ground set out in the notice to leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order.

[8] The Tribunal did not consider that it was in the interests of justice to delay the execution of the Eviction Order. The financial harm ongoing to the Applicants was real and substantial. The reasons given for a delay appeared somewhat formulaic and generic. The Tribunal could not find any particular reason why the Respondent might require more time than usual. She had no dependents and the Property had not been especially adapted for her circumstances. The Tribunal noted that the Respondent had mental health issues but noted also the impact on the Applicants and the stress and discomfort caused to them by the chronic non-payment. The Tribunal was not persuaded to grant any delay to the implementation of the order. It seemed necessary to end this tenancy as soon as possible.

### **Right of Appeal**

[9] **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.**

# A. McLaughlin

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Legal Member/Chair

9 June 2026  
Date