



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/5089

Re: Property at 18 Dundee Drive, Cardonald, Glasgow, Lanarkshire, G52 3HW (“the Property”)

Parties:

Marc Luporini, Jaqueline Luporini, 6 Southesk Gardens, Bishopbriggs, Glasgow, G64 3AT; 6 Southesk Gardens, Bishopbriggs, Glasgow, G64 3AT (“the Applicants”)

Ms Michelle Cullen, 18 Dundee Drive, Cardonald, Glasgow, Lanarkshire, G52 3HW (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Elizabeth Williams (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 Applicants against the Respondent.

1. An application was received on 25 November 2025 from the Applicant’s representative under Rule 109 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (‘the 2017 rules’) seeking recovery of the property under Ground 12 (rent arrears) as set out in Schedule 3 of the 2016 Act.
2. Attached to the application form were:
 - (i) Copy private residential tenancy agreement between the first Applicant, Mr Marc Luporini, and the Respondent, which commenced on 18 November 2024.

- (ii) Copy Notice to Leave dated 23 September 2025 citing ground 12, and stating the date before which proceedings could not be raised to be 24 October 2025, together with covering email to the Respondent dated 23 September 2025.
 - (iii) Copy rent statement showing the Respondent's outstanding rent arrears to be £3475 as at 18 November 2025.
 - (iv) Copy notice to Glasgow City Council under section 11 of the Homelessness etc. (Scotland) Act 2003, together with covering email dated 25 November 2025.
 - (v) Pre-action requirements letter to the Respondent from the Applicants' representative dated 5 November 2025.
3. On 25 November 2025, the Applicants also made an application (reference no: FTS/HPC/CV/25/5090) under Rule 111 of the 2017 rules seeking an order for payment in respect of rent arrears which were alleged to be due by the Respondent to the Applicants. The two applications were conjoined by the tribunal and heard together.
 4. The application was accepted on 11 December 2025.
 5. Notice of the case management discussion (CMD) scheduled for 11 June 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the tribunal on 6 May 2026. The Respondent was invited to submit written representations by 26 May 2026.
 6. An email was received from the Applicant's representative on 28 May 2026, seeking to amend the sum claimed in terms of the civil proceedings application to £2209.26. This was the amount of rent arrears outstanding as at 28 May 2026, as shown on the accompanying updated rent statement.
 7. No written representations were received from the Respondent prior to the CMD.

The case management discussion

8. A CMD was held by teleconference call on 11 June 2026 to consider both the present application and the conjoined civil proceedings application. The Applicants were represented by Miss Adriana Capaldi of Bannatyne Kirkwood France solicitors.
9. The Respondent was not present or represented on the call. The tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been

detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.

10. The tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. The tribunal therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicants

11. Miss Capaldi asked the tribunal to grant an eviction order in favour of the Applicants against the Respondent. The Notice to Leave had been served on the Respondent in September 2025. It had taken the threat of tribunal proceedings before the Respondent had made any attempt to address the rent arrears. She had been sent a pre-action requirements letter on 5 November 2025, and was made aware then that an application would be made to the tribunal for an eviction order. The Applicants had acted reasonably to try to resolve the matter. A significant length of time had passed since the Notice to Leave was served, and no effort had been made by the Respondent to make any proposals for repayment of the arrears. She had also not attended the CMD.
12. The Applicants were not receiving the rental income they were entitled to under the tenancy agreement. There was a mortgage over the property and they were out of pocket as a result. Miss Capaldi was unable to confirm any details regarding the mortgage payments paid by the Applicants. She had no instructions regarding whether the Applicants owned any other rental properties.
13. Miss Capaldi had little information regarding the Respondent's circumstances. She said that the Respondent had not co-operated with the Applicants or their letting agent. To her knowledge, there had been no delay or failure in the payment of a relevant benefit which may have led to the Respondent's arrears.
14. The tribunal adjourned briefly to allow Miss Capaldi to seek further information from the Applicants and/or their letting agent about: 1) the circumstances of both parties and 2) whether any further payments had been received since the updated rent statement which was received on 28 May 2026.
15. Following the adjournment, Miss Capaldi confirmed that the Respondent is 44 years old and has been in receipt of Universal Credit since 2024. She is not in employment and is believed to be living alone in the property. The current arrears outstanding are the same as they were on 28 May 2026. Miss Capaldi

said that she had been unable to obtain any further information about the Applicants' circumstances.

16. Following further discussion, the tribunal again adjourned the hearing briefly to allow Miss Capaldi to seek further information regarding: 1) whether the Applicants or their letting agent had applied to have the Respondent's Universal Credit paid to them directly, 2) what efforts had been made by the letting agent to contact the Respondent regarding the arrears and 3) how many bedrooms were in the property.

17. Following the adjournment, Miss Capaldi told the tribunal that the letting agent had not applied for direct payments from Universal Credit. She had no information about any attempts which had been made to contact the Respondent regarding the arrears, other than the pre-action requirements letter. She confirmed that the property is a three bedroom flat.

Findings in fact

18. The tribunal made the following findings in fact:

- The Applicants are the joint owners and registered landlords of the property.
- The first Applicant, Mr Luporini, and the Respondent entered into a private residential tenancy agreement which commenced on 18 December 2024.
- The rent payable under the tenancy agreement was £895 per calendar month, payable in advance on the 18th day of each month.
- The Notice to Leave was validly served on the Respondent by email on 23 September 2025.
- The Applicants sent a valid notice to Glasgow City Council under section 11 of the Homelessness etc. (Scotland) Act 2003 prior to submitting the application.
- The Respondent had been in rent arrears for more than three consecutive months as at the date of the CMD.
- The Applicants have complied with the pre-action requirements.
- The Respondent's being in arrears of rent over the period in question is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
- The updated rent statement produced by the Applicants showed that the Respondent owed the Applicants £2209.96 in rent arrears as at the date of the CMD.

Reasons for decision

19. The tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties.

20. The tribunal considered whether Ground 12 (rent arrears) had been met. Ground 12 states:

Rent arrears

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2).....

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and

(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

21. The tribunal noted from the updated rent statement provided by the Applicants' representative that the Respondent had been in rent arrears for more than three consecutive months at the date of the CMD. No written representations had been received from the Respondent to indicate that she disputed this. The tribunal therefore found that Ground 12 had been met.

Reasonableness

22. The tribunal then considered whether it was reasonable to issue an eviction order in all the circumstances of the case. In doing so, it took into account all of the evidence before it.
23. The tribunal noted that the Applicants had sent a pre-action letter dated 5 November 2025 to the Respondent prior to making the application. The Applicants had accordingly complied with the pre-action requirements. The tribunal was also satisfied on the basis of the available information that there was no indication that the arrears were wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
32. The tribunal noted that the Applicants had a mortgage over the property and that the Respondent's failure to maintain regular rent payments would impact on their ability to keep up the repayments.
33. The Respondent has been living in the property for around 18 months, and has been in arrears for most of that time, since June 2025. The Respondent had a legal obligation to pay the monthly rent as set out in the tenancy agreement. She had clearly made efforts to repay some of the arrears since the application was made. The outstanding arrears as at the date of the CMD totalled £1265.04 less than those outstanding at the time the application was made. The Respondent had paid sums equal to or exceeding the monthly rent in each month between November 2025 and April 2026. No rent at all had, been paid in May 2026, however.
32. The tribunal had little information about the Respondent's circumstances, in the absence of any written representations from her and she had not attended the CMD. The tribunal had some concerns as to whether there may be others, possibly children, living in the property as she appears to be receiving Universal Credit housing payments for a three bedroomed house. In the absence of any further information, however, the tribunal was unable to reach any conclusion about this.
34. The tribunal gave weight to the rent arrears owed by the Respondent, which totalled around two and a half month's rent. Regardless of whether the rent is paid directly by the Respondent or via Universal Credit, the Applicants are entitled to receive the agreed rent each month in terms of the tenancy agreement.
33. The tribunal also gave considerable weight to the Respondent's lack of opposition to the application.
33. The tribunal decided that in light of all the above considerations, it was reasonable in all the circumstances to grant an order for eviction in favour of the Applicants against the Respondent.

Decision

The tribunal grants an order in favour of the Applicants against the Respondent for recovery of possession of the property. The order will take effect on 13 July 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.



11 June 2026

Legal Member/Chair

Date