



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 and Rule 17 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/EV/25/5116

Re: Property at Flat 1, Connolly's Land, 66 Dumbarton Road, Clydebank, G81 6DH ("the Property")

Parties:

Ms Heather Atkin, Villa Grimaud, Cochno Road, Hardgate, Glasgow, G81 6PX ("the Applicant")

Mr Anthony Richard Parkin, Flat 1, Connolly's Land, 66 Dumbarton Road, Clydebank, G81 6DH ("the Respondent")

Tribunal Members:

Hilary MacAndrew (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 an Eviction Order be granted

1) Background

- 1.1 By Application dated 20 December 2025 the Applicant seeks an order for eviction relying on Ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 2 March 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 7 May 2026.

- 1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD) ;
- Private residential tenancy agreement
 - Notice to Leave
 - Section 11 Notice to Local Authority
 - Copy handwritten Rent statement
 - Pre Action Requirement correspondence including messaging between the Applicant and the Respondent

2) The Case Management Discussion

- 2.1 The CMD took place by tele conference on 8 June 2026 at 2pm. The Applicant represented herself. The Respondent did not take part. The start of the CMD was delayed to allow the Respondent to attend. The Respondent did not attend.
- 2.2 The Applicant confirmed that the property is Flat 1, Connolly's Land, 66 Dumbarton Road, Clydebank, G81 6DH
- 2.3 The Applicant confirmed that the parties entered into a Private Residential Tenancy Agreement which commenced on 20 March 2023 at a monthly rent of £450.
- 2.4 At the time of issuing the Notice to Leave the arrears were £2,570. The amount of arrears outstanding at the date of the Tribunal was £3,920.
- 2.5 The Tribunal noted that arrears of rent had consistently accumulated since 3 September 2024.
- 2.6 The Applicant was able to talk about the personal circumstances of the Applicant and the Respondent. She believed the Respondent was in his thirties and lived on his own. He had talked of having children but the children did not live with him. The Applicant believes that the Respondent may have been receiving housing benefit personally but not utilising it in payment of the rent. He had made various excuses about not paying rent including having lost his phone, being in hospital and having his bank account frozen. She said that the tenancy had gone well in the first year. There had been some neighbour complaints but nothing significant. After the first year the Respondent indicated he had lost his job and then he advised that he had obtained another job. The Applicant had initially been able to visit and inspect the property and found the Respondent to be friendly. The relationship deteriorated as the requests for payment of rent increased. Communication took place by messaging between the Applicant and the Respondent. During the course of the messaging it is noted that the Respondent indicated that he had approached the Citizens Advice Bureau and also the Local Authority. The Local Authority indicated to him that they would only rehouse him under the homeless legislation once an eviction decree had been granted. The Applicant has attempted home visits.

The Respondent will not engage. The Respondent had been obstructive in relation to workmen carrying out maintenance works in the block owned by the Applicant.

- 2.7 The Applicant was not aware of the Respondent having any disability issues which would prevent communication. The Applicant understands from visits to other properties in the area that the property itself may be deteriorating due to lack of care by the Respondent.
- 2.8 The Applicant's circumstances are that they own a number of properties in the same block. They own a portfolio of mixed commercial and residential properties. They are run as a business and there is business borrowing secured over the properties. The absence of payment of rent is having a detrimental effect on the Applicant's financial position.
- 2.9 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

- 3.1 The Applicants and the Respondent entered into a Private Residential Tenancy Agreement in respect of the property which commenced on 20 March 2023.
- 3.2 The monthly rent due under the Private Residential Tenancy is £450 per month.
- 3.3 The rent arrears due as at the date of the Notice to Leave was £2,570.
- 3.4 The rent arrears due as at the date of the hearing is £3,920.
- 3.5 The Applicant complied with the pre-action requirements
- 3.6 Ground 12 in Schedule 3 of the 2016 Act has been established
- 3.7 It is reasonable to grant an order for eviction

4) Issue For The Tribunal

- 4.1 The issue for the Tribunal is to determine whether or not to grant the order sought.
- 4.2 The ground on which the Application proceeds is ground 12 which states:

“(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 the 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.”

4.3 The Tribunal was satisfied that the ground had been met and that the Respondent had been made aware of the consequences of their failure to pay rent.

4.4 Therefore, the statutory ground and procedure being established, the issue for the Tribunal was to determine if it is reasonable to grant the order.

5) Decision and Reasons for Decision

5.1 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.

5.2 The Tribunal had regard to the fact that the Respondent had been in arrears since 3rd September 2024 and the last payment to account of rent was £200 on 4th May 2025. The Tribunal’s view is that the level of arears being £3,920 combined with the length of time which arrears have existed leads to it being untenable for the Respondent to continue as a tenant in the Property. The Tribunal found that the Applicant is entitled to receive payment of rent and that this entitlement outweighs the Respondent’s right to remain in the Property. Accordingly, the Tribunal was satisfied that it is reasonable to issue an Eviction Order.

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.

Hilary MacAndrew

Hilary MacAndrew

Legal Member/Chair

8th June 2026

Date