



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.

Chamber Ref: FTS/HPC/EV/25/5425

Re: Property at Flat 1/3, 1 Dunn Street, Paisley, PA1 1NT (“the Property”)

Parties:

Mr Thomas McLaren, 7 Belmont Road, Kilmacolm, PA13 4LZ (“the Applicant”)

Mr Edward McMillan, Flat 1/3, 1 Dunn Street, Paisley, PA1 1NT (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Andrew Taylor (Ordinary Member)

Decision (in absence of the Respondent)

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent shall be evicted from the property on the basis of ground 12 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (rent arrears), and it being reasonable in all of the circumstances that the eviction be granted.

Background

2. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). There was a second application in terms of rule 111 in respect of rent arrears. The Applicant was represented by Ms Alexandra Wooley of Bannatyne Kirkwood and France Solicitors. The Respondent did not attend and was not represented. The tribunal had sight of the execution of service of the application by Sheriff Officer on 21 May 2026 and was satisfied that the Respondent had received notice in terms of rule 24. The tribunal proceeded in his absence in terms

of rule 29. The tribunal did not adjourn until 10.35 and the Respondent did not join the call late.

3. The tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement dated 25 March 2025.
- (2) Notice to leave dated 23 October 2025.
- (3) Proof of service of the notice to leave.
- (4) Section 11 notice and proof of service.
- (5) Land certificate.
- (6) Evidence of landlord registration.
- (7) Rent statements.
- (8) Emails regarding arrears.

Case management discussion

The Applicants position

4. The Applicant is seeking an order for eviction on the basis of the substantial rent arrears that have accrued since the start of the tenancy. The Respondent lives in the property alone and is employed as an electrician. The letting agent are in regular contact with him and they send him weekly letters regarding the arrears. He has never given any explanation for the arrears and is not thought to be entitled to any benefit regarding his monthly rent.

5. Findings in fact

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 25 March 2025 with an agreed start date of 28 March 2025.
- The agreed rent was £625 per calendar month.
- Rent arrears began to accrue in April 2025.
- The Respondent was served with a valid notice to leave on 23 October 2025 when the rent arrears were £1875.
- The rent arrears in May 2026 are £6475.
- Since September 2025 the Respondent has only paid £400 in rent.
- The letting agent send weekly letters to the Respondent regarding the arrears.
- The Applicant has complied with the pre-action requirements.
- The Respondent lives alone in the property.
- The Respondent is in employment as an electrician.
- The arrears of rent are not wholly or partly due to a delay or failure in payment of a relevant benefit.

Reasons

6. This was an undefended eviction application. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal was satisfied that the eviction ground was met as there have been rent arrears in excess of one month's rent for more than three months, both at the date of service of the notice to leave and at the date of the CMD.

7. Being satisfied that the eviction ground was met, the tribunal went on to consider the reasonableness of granting the eviction. The tribunal was satisfied that the rent arrears are not due to a delay or failure in payment of a relevant benefit. According to Ms Wooley the Respondent is in employment as an electrician and is not thought to be entitled to housing benefit or universal credit.

8. The tribunal was satisfied it was reasonable in all of the circumstances to grant the 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.

L. Ward

22 June 2026

Legal Member

Date