



**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/25/3791**

**Re: Property at 4C Church Road, Bridge of Weir, PA11 3LL (“the Property”)**

**Parties:**

**Mrs Gaynor McNiven, 1/1 Highland Cottages, Mimosa Road, Bridge of Weir, PA11 3NF (“the Applicant”)**

**Mr John Paul Corrigan, 4C Church Road, Bridge of Weir, PA11 3LL (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (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 the order for eviction should be granted.**

**Background**

1. On 3rd September 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
  - i. Copy Private Residential Tenancy Agreement showing a commencement date of 1<sup>st</sup> October 2023 and a rent of £495 per month;
  - ii. Copy Notice to Leave dated 15<sup>th</sup> June 2025 and proof of service;
  - iii. Section 11 Notice and proof of service;
  - iv. Copy Rent Statement showing arrears of £2990 as at August 2025;
  - v. Pre Action Requirements emails

3. The Application was served on the Respondent by Sheriff Officers on 15<sup>th</sup> April 2026.

### **Case Management Discussion**

4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant represented herself. There was no attendance by the Respondent or any representative on his behalf.
5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
6. The Applicant sought an order for eviction in terms of ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. She said that the rent arrears at the time the Notice to Leave was served were £2990, and they are now £7645. The Respondent has not made any payments in the meantime.
7. The Tribunal were satisfied that the ground had been established. In relation to reasonableness the Applicant said that as far as she was aware the Respondent lives alone. The property is a one bedroomed upper cottage flat. She is not aware if the Respondent is in employment. He had been when he took on the tenancy. She met him in the street in August 2025, after multiple attempts to contact him, and he said that he had health issues, but declined to provide any details or documentary evidence. She is not aware of any disability the Respondent may have, and she is not aware of the property having been adapted to cater for any disability. She has not been contacted by any benefits agency in connection with payment of rent. She has received correspondence from the power company confirming that the Respondent is about £1500 in arrears with payments to them.
8. The Applicant explained that the lack of rental payments is causing financial hardship for herself and her husband. The rent is a significant part of their income. They have two other rental properties and rely on the combined rent for their income.

### **Findings in Fact**

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 1<sup>st</sup> October 2023 and a rent of £495 per month
- b. A Notice To Leave, dated 15<sup>th</sup> June 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Applicant complied with the Pre Action Requirements;
- e. Rent arrears at the date of service of the Notice to leave were £2990;

- f. The Application was served on the Respondent by Sheriff Officer on 15<sup>th</sup> April 2026;
- g. Current rent arrears are £7645;
- h. The Respondent lives alone in the property;
- i. The Respondent does not appear to be claiming benefits;
- j. The Respondent is not known to have a disability;
- k. The lack of payment of the rent is causing hardship for the Applicant.

## Reasons for Decision

9. Ground 12 states as follows:

*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.*

*(5) For the purposes of this paragraph—*

*(a) references to a relevant benefit are to—*

*(i) a rent allowance or rent rebate under the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971),*

*(ii) a payment on account awarded under regulation 91 of those Regulations,*

*(iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,*

*(iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,*

*(b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.*

*(6) Regulations under sub-paragraph (4)(b) may make provision about—*

*(a) information which should be provided by a landlord to a tenant (including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy),*

*(b) steps which should be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,*

*(c) such other matters as the Scottish Ministers consider appropriate.*

10. The Tribunal is satisfied that the ground is met. The Tribunal is also satisfied that it is reasonable to grant the eviction order. The Respondent has refused to engage with either the Applicant or the Tribunal process. He has rent arrears in excess of 15 months' worth of payments. This level of arrears in and of itself make it reasonable to grant the order.

11. The Tribunal considered in those circumstances that it was reasonable to grant the 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.**

**Alison Kelly**

**19<sup>th</sup> May 2026**

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**Legal Member/Chair**

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**Date**