



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/1552

Re: Property at 8 Tirie Court, Ravenswood, Cumbernauld, G67 1NS (“the Property”)

Parties:

Prime Property (No1) Ltd, 49 Napier Road, Cumbernauld, G68 0EF (“the Applicant”)

Miss Emma Whiting, 8 Tirie Court, Ravenswood, Cumbernauld, G67 1NS (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

[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 Application had previously called for a Case Management Discussion (“CMD”). The rent arrears founded upon had been cleared to zero but that Tribunal decided to continue the Application to another CMD.

The Case Management Discussion

[3] The Application called for a further CMD by conference call at 2pm on 11 June 2026. The Applicant was represented again by their letting agent Ms Cramb. The Respondent was not in attendance. The Respondent had received intimation of the details of the CMD. The Tribunal therefore decided to proceed in the absence of the Respondent. Ms Cramb explained that no further rent had been paid at that the arrears were now sitting at £2,145.00.00

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

Findings in Fact

- 1) *The Applicant let the Property to the Respondent under a Private Residential tenancy within the meaning of the Act;*
- 2) *Despite clearing the rent arrears, the Respondent fell into further rent arrears and the sum of £2,145.00 is now lawfully due as arrears of rent by the Respondent to the Applicant;*
- 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 has failed to engage with the Tribunal process or to respond to any of the Applicant or her agent's correspondence since the last CMD.*

Reasons for Decision

[5] 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.

Right of Appeal

[6] 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.

Andrew McLaughlin

Legal Member/Chair

11 June 2026

Date