



**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”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”)**

**Chamber Ref: FTS/HPC/EV/25/4918**

**Re: Property at 160 0/2, Maukinfauld Road, Glasgow, G32 8TS (“the Property”)**

**Parties:**

**Rym Assets Limited, 7 Newlands Lane South, Cove, Aberdeen, AB12 3FS (“the Applicant”)**

**Mr Adam Hirsz, 160 0/2, Maukinfauld Road, Glasgow, G32 8TS (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (Legal Member) and Tony Cain (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 of the property be granted.**

**Background**

1. By application received on 14 November 2025, the Applicant applied to the Tribunal for an order for recovery of possession of the property in terms of Grounds 12 (rent arrears over three consecutive months) of Schedule 3 to the 2016 Act. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, Notice to Leave/proof of service of same, the Section 11 Notice to the local authority in terms of the Homelessness (Scotland) Act 2003/proof of service of same and a rent statement.

2. Following initial procedure, on 31 December 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. A Case Management Discussion (“CMD”) was fixed for 3 June 2026. The application and details of the CMD scheduled were served on the Respondent by Sheriff Officer on 28 April 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations. None were lodged prior to the CMD.

### **Case Management Discussion**

4. The CMD took place by telephone conference call on 3 June 2026, commencing at 10am. In attendance was Ms Louise Armstrong, Solicitor of James & George Collie LLP on behalf of the Applicant. The Tribunal delayed commencement of the CMD for 5 minutes to give the Respondent an opportunity to join late but he did not do so.
5. Following introductions and introductory remarks by the Legal Member, Ms Armstrong stated that she understood the Respondent was still living in the Property and lived alone, with no dependents. The current arrears are now £9,750 and this will increase to £10,400 as at 8 June 2026 when the next monthly rent is payable. The Respondent has not paid any rent since March 2025. Ms Armstrong does not know what his position is in respect of this application as he has not engaged with the letting agents acting on behalf of the Applicant.
6. Ms Armstrong confirmed that the eviction is sought under Ground 12. Notice to leave was served when there were already more than three consecutive months of rent arrears, payments having been missed on 8 March, 8 April and 8 May 2025. The monthly rent was £650 and arrears amounted to £2,600 at that time. This is a Private Residential Tenancy which commenced on 8 August 2022, with an original monthly rent of £550. This was subsequently increased to £650 and Ms Armstrong made reference to the Rent Increase Notice lodged with the Tribunal. In accordance with the tenancy agreement, the Applicant’s representatives have communicated with the Respondent via his email address and notice was served by that method. Ms Armstrong stated that the letting agents had sent emails to the Respondent in accordance with the pre-action protocol, and also attempted telephone contact, but there was very little engagement from the Respondent. A Section 11 Notice was also intimated to the relevant local authority on 14 November 2025. The letting agents understand that the Respondent has applied for local authority accommodation and that the rent arrears are due to his financial circumstances. They do not, however, have any details regarding this or his employment status currently. They have no knowledge of him being in receipt of benefits. The rent money just stopped coming in. In the circumstances, the Applicant considers it is reasonable for an eviction order to be granted. There are arrears of £9,750. The processes have been fairly carried out on behalf of the Applicant and the

Respondent has had ample opportunity to address the arrears or make contact with the Applicant's representatives but has not done so.

7. The Tribunal Members considered the application and confirmed that the Tribunal was satisfied that the eviction application was in order and that it was reasonable for the order sought to be granted today. Ms Armstrong was thanked for her attendance and participation at the CMD.

## **Findings in Fact**

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 8 August 2022.
3. The rent due in respect of the tenancy was originally £550 per calendar month, but has been increased and is currently £650 per month.
4. There was a background of rent arrears dating back to around March 2025 with no rent payments having been made since then.
5. Arrears amounted to £2,600 when Notice to Leave was served, £5,850 when this application was lodged and now amount to £9,750.
6. The Applicant's letting agents sought to engage with the Respondent concerning the rent arrears by email and telephone and are understood to have complied with the 'pre-action protocol'.
7. The Respondent has made minimal contact with the Applicant's agents and has not engaged with them concerning the rent arrears.
8. A Notice to Leave in proper form and giving the requisite period of notice was served on the Respondent by email on 4 July 2025, in accordance with the terms of the tenancy agreement and the relevant legislation.
9. The date specified in the Notice to Leave as the earliest date an eviction application could be lodged with the Tribunal was specified as 5 August 2025.
10. The Tribunal Application was submitted on 14 November 2025.
11. The Respondent has not vacated the Property.
12. The Respondent has been called upon to make payment of the rental arrears or enter into a satisfactory payment arrangement but has failed to do so.
13. The Respondent was in rent arrears for three or more consecutive months prior to service of the Notice to Leave and this remains the case.

14. There is no indication that the arrears have arisen wholly or partly as a result of a failure or delay in the payment of relevant benefits.
15. The Respondent did not lodge any written representations with the Tribunal nor attend the CMD.

### **Reasons for Decision**

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, the procedural background to the application and to the oral representations at the CMD by the Applicant's representative.
2. The Tribunal found that the application was in order, that a Notice to Leave in proper form and giving the correct period of notice had been served on the Respondent and that the application was made timeously to the Tribunal, all in terms of the tenancy agreement and the relevant provisions of the 2016 Act.
3. The Tribunal considered the ground of eviction relied upon in this application, namely Ground 12, and was satisfied that all requisite elements of that ground had been met. Ground 12 is as follows:-

*“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.*

*(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.”*

The Tribunal was satisfied that there were now substantial rent arrears owing, of £9,750. No rent payments had been made since around March 2025 and the rent account had now been continuously in arrears for a lengthy period of time of almost 15 months.

4. As to reasonableness, all the factors mentioned above satisfied the Tribunal that it was reasonable to grant an order in these circumstances, and to do so at this stage. There was no indication that the Respondent's failure to pay rent was due to any failure/delay in payment of state benefits. The Tribunal would have preferred to have sight of communications issued to the Respondent in respect of the 'pre-action protocol' but were satisfied from the representations of the Applicant's agent that the letting agent had emailed the Respondent in this respect and had sought to engage with him by email and telephone to try and resolve the arrears situation prior to proceeding with eviction. The Respondent had not entered into the Tribunal process and the Tribunal therefore had no material before it either to contradict the Applicant's position nor to advance any reasonableness arguments on behalf of the Respondent. The Tribunal accordingly determined that an order for recovery of possession of the Property could properly be granted at the CMD as, in the circumstances, there was no need for adjournment to an Evidential Hearing.

## **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.**

# N. Weir

Legal Member/Chair

3 June 2026

Date