

Housing and Property Chamber
First-tier Tribunal for Scotland



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”)

Chamber Ref: FTS/HPC/EV/25/5249

Re: Property at Flat 2/4, 6 Banner Drive, Knightswood, Glasgow, G13 2HP (“the Property”)

Parties:

Mr Christopher Allan, 1 Temple Locks Court, Anniesland, Glasgow, G13 1JS (“the Applicant”)

Ms Myra Drummond, Flat 2/4, 6 Banner Drive Knightswood, Glasgow, G13 2HP (“the Respondent”)

Tribunal Members:

Evan Crainie (Legal Member) and Ann Moore (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 should be granted against the Respondent in favour of the Applicant.

Background

1. By application dated 3 December 2025, the Applicant sought an order under section 51 of the 2016 Act and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).
2. On 23 December 2025 the application was accepted by the Tribunal and referred for determination by the Tribunal.
3. A Case Management Discussion (“CMD”) was set to take place on 19 June 2026, and appropriate intimation of that CMD was given to both the Applicant and the Respondent.

The CMD

4. A CMD took place by way of teleconference on 19 June 2026. Mr James Sloan of D J Alexander Letting Limited represented the Applicant. The Respondent was not in attendance and was not represented. The start of the CMD was delayed to allow the Respondent to attend. The Respondent did not attend.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. The Tribunal asked various questions of the Applicant's representative with regard to the application
7. Mr Sloan explained that the Applicant was continuing to insist on their application for eviction. The arrears had risen to £9,226.32 (this was evidenced by a recent rent statement submitted to the Tribunal).
8. Mr Sloan explained that he believes the Respondent lives at the Property alone and is in employment. The Applicant's representatives have struggled to contact the Respondent who has not responded to many of the attempts at contact. Access to the Property was granted to the Applicant's representative for the purposes of an inspection in February 2026 but the Respondent was not present at the inspection. At the visit, the Applicant's representative left a letter within the Property in respect of the rent arrears. Other letters from the Applicant's representative to the Respondent in respect of the arrears are included within the papers accompanying the application
9. Mr Sloan also explained that the Applicant rents out three properties in total and the income from the other two properties is having to cover the arrears from the Property.

Findings in Fact

10. The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property with a commencement date of 14 December 2023.
11. The monthly rent due under the private residential tenancy is £625.
12. The rent arrears due as at 3 December 2025 were £4,150.95.
13. The rent arrears due as at 19 June 2026 were £9,226.32.
14. There have been rent arrears continuously since December 2024, with no payments made since August 2025.

Reasons for Decision

15. The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah* 1947 SC 245 whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.

16. The Tribunal had regard to the facts that the Respondent had been in arrears since December 2024 (with arrears showing beforehand also) and that no payments had been made since August 2025. The Tribunal's view is that the level of arrears being £9,226.32 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 Respondents' rights to remain in the Property. Accordingly, the Tribunal was satisfied that it is reasonable to issue an Eviction Order.

Decision

17. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 24 July 2026.

18. The Tribunal also exercised the power within Rule 17 of the Rules and determined that a final order should be made at the CMD.

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.

Evan Crainie

19.6.26

Legal Member/Chair

Date