



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/25/2555

Re: Property at 2/1 2 Marshalls Lane, Paisley, PA1 1UU (“the Property”)

Parties:

V1 Properties Ltd, Clyde Offices, 48 2/3, West George Street, Glasgow, G2 1BP (“the Applicant”)

Mr Gavin Heron, 2/1 2 Marshalls Lane, Paisley, PA1 1UU (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.

Background

1. By application dated 11 June 2025 the applicant seeks an order for eviction relying on ground 1 (Landlord intends to sell the property) and ground 12 (rent arrears for 3 or more consecutive months) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. The application was conjoined with application reference CV/25/2563 in terms of which the applicant sought an order for payment in respect of rent arrears.
2. The applicant lodged the following documents with the application:
 - Bank statement
 - Notice to leave with proof of service

- Letter from Smart Sales and Investments
 - Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003
 - Rent statement
 - Pre action correspondence
3. A case management discussion (“CMD”) took place on 5 December 2025. The applicant was represented by Miss Herd, solicitor Clarity Simplicity Ltd. The respondent was personally present.
 4. The respondent opposed an order for eviction. He sought an adjournment in order to obtain legal advice. He stated that he had been in poor health however he would be starting a new job and would commence payments towards the outstanding arrears. The respondent disputed the arrears figure and stated that the landlord had failed to comply with their statutory duties in relation to gas and other safety checks. The Tribunal adjourned the application to an evidential hearing. A CMD note and Direction were issued to parties. The respondent was directed to lodge written representations setting out his proposed defence to the application by 30 January 2026.
 5. The respondent did not submit any written representations or documentary evidence in advance of the hearing. The applicant submitted an updated rent statement.

Hearing – 19 June 2026.

6. Mr Devlin, solicitor, Clarity Simplicity Ltd., appeared on behalf of the applicant. The respondent was not present or represented. The Tribunal was satisfied that the respondent had been properly notified of the hearing and proceeded in his absence in terms of Rule 29.
7. Mr Devlin sought an order for eviction. He referred to the updated rent statement that had been submitted. This showed that arrears had increased to £13,737.50. The last payment of rent received from the respondent had been in November 2024. Mr Devlin stated that the applicant intended to sell the

property. They had instructed Smart Sales estate agents to market the property for sale in the event an order is granted. Mr Devlin stated that the respondent had not provided any explanation for his failure to make payment of rent. The arrears are substantial. Mr Devlin stated that the respondent had failed to comply with the Direction and had not attended the hearing. In the circumstances Mr Devlin submitted that it was reasonable that an order be granted.

Findings in fact

8. Parties entered into a private residential tenancy agreement with a commencement date of 23 July 2020.
9. Monthly rent payable in terms of the tenancy agreement is £450.
10. Rent arrears began to amass in December 2022.
11. A notice to leave specifying grounds 1 and 12 in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 was served on the respondent on 31 January 2025.
12. Rent arrears at the date the notice to leave was served amounted to £6087.50.
13. Rent arrears have increased to £13,737.50.
14. The applicant intends to market the property for sale and has engaged estate agents to assist with marketing the property.
15. The respondent failed to submit any written defence to the application and did not attend the hearing to oppose an order for eviction.
16. The respondent has not paid any rent since November 2024.

Reasons for the decision

17. No written tenancy agreement had been provided however it had not been disputed at the CMD that parties had entered into a private residential tenancy

agreement with a commencement date of 23 July 2020. The respondent had not disputed that monthly rent due was £450. This was evidenced by bank statements showing payments at that rate by the respondent from the date of commencement.

18. Ground 1 states:

(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph

(1) applies if the landlord—

(a) is entitled to sell the let property,

(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

19. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondent.

20. Ground 12 states:

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.

21. The Tribunal was satisfied on the basis of the rent accounts that had been lodged that the respondent had been in arrears of rent for a period in excess of three months.

22. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against. The Tribunal took into account the application and the documents lodged by the applicant, Mr Devlin's submissions at the hearing and the respondent's submissions at the CMD.

23. In relation to the question of reasonableness the Tribunal determined that correspondence sent to the respondent on 8 January 2025 and 10 June 2025 complied with the pre-action requirements relevant to ground 12 applications.

24. The Tribunal gave significant weight to the high level of arrears and the fact that arrears had increased significantly since the CMD and continued to rise. The Tribunal took into account that the respondent had not made any payment of

rent since November 2024. The Tribunal also gave weight to the fact that the applicant intended to sell the property.

25. The Tribunal determined that the respondent had failed to take action since the CMD to address the rent arrears or to put forward a defence to the application. The Tribunal gave weight to his failure to comply with the Direction or to attend the hearing. In light of the respondent's conduct since the CMD the Tribunal found the respondent's submission at the CMD lacked credibility and gave little weight to it.

26. The Tribunal determined that in light of the foregoing circumstances it was reasonable to grant an 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.

Mary Claire Kelly

Legal Member/Chair

19 June 2026

Date