



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/26/0565

Re: Property at 42 Wellpark Road, Saltcoats, KA21 5LJ (“the Property”)

Parties:

AMR First Ltd, 85 Dockhead Street, Saltcoats, KA21 5ED (“the Applicant”)

Mr Frances Lynn, 42 Wellpark Road, Saltcoats, KA21 5LJ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Angus Lamont (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 4th February 2026 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 Notice to Leave dated 6th November 2025;
 - ii. Proof of service of the Notice to Leave;
 - iii. Section 11 Notice and proof of service;
 - iv. Rent Increase Notice raising the rent to £675 per month from 10th July 2024;
 - v. Copy Rent Statement showing arrears of £2075 as at 1st November 2025;
 - vi. Copy Rent Statement showing arrears of £2850 as at 1st June 2026;
 - vii. Pre Action Requirements emails.

3. The Application was served on the Respondent by Sheriff Officers on 10th July 2026.
4. On 29th July 2026 the Applicant's agent lodged an up to date rent statement showing arrears of £6050 as at 1st July 2026.
5. On 4th August 2026 Mr Meek of CHAP sent an email to the Tribunal confirming that he was representing the Respondent, the Respondent did not oppose the application, and the Respondent was looking for an extension of the time for enforcing any order to allow alternative accommodation to be found.

Case Management Discussion

6. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Ms Styles of Lime Green, Letting Agents. The Respondent was represented by Mr Meek of CHAP. Neither party joined the call.
7. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
8. Ms Styles sought an order for eviction in terms of ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. She confirmed that the arrears stood at £2075 when the Notice to Leave was served and they now stand at £6550.
9. Ms Styles said that the Applicant was not agreeable to the time for enforcing an eviction order being extended. She had been in contact with the Respondent repeatedly and the Applicant had given the Respondent many chances, and the Respondent had broken many promises. It was over a year since any rent had been paid.
10. Mr Meek said that the Respondent is 66 years of age and a pensioner. He has heart issues. He lives on his own. He has been trying to manage his own finances but has not done it well. He has now been referred to a debt advisor. During the period he had been on Universal Credit but had got back in to work until a month ago. He lost his wife and then his mother and he buried his head in the sand. He was seeking an extension of time as the local authority could not do anything for him until the eviction order was granted. He requires a one bedroomed ground floor property and that will be difficult to find.
11. The Tribunal made further enquiry in to the Universal Credit, and asked specifically if the Respondent had received the Housing element of Universal Credit and not paid it to the Applicant. Mr Meek confirmed that this was correct, but he could not confirm how many payments had been kept by the Respondent.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 17th March 2023;
- b. A Notice To Leave, dated 6th November 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. The Application was served on the Respondent by Sheriff Officers on 10th July 2026.;
- f. The arrears when the Notice to Leave was served stood at £2075;
- g. The arrears are currently £6550;
- h. The Respondent does not oppose the application;
- i. The Respondent has not been able to properly manage his finances;
- j. The respondent received the Housing element of Universal Credit and did not pay it to the Applicant.

Reasons for Decision

12. 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.

13. The Tribunal are satisfied that the Ground had been met, and that, given the Respondent does not oppose it, that it is reasonable to grant the eviction order.

14. The Tribunal does not consider it reasonable to suspend extract of the eviction order. The arrears are substantial, no rent has been paid in a year, and the Respondent has retained the Housing element of Universal Credit instead of paying it to the Applicant.

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

12.08.26

Legal Member/Chair

Date