



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 Refs: FTS/HPC/EV/25/2282 and FTS/HPC/EV/26/0880

Re: Property at 1/8 1618 Gt Western Road, Glasgow, G13 1HQ (“the Property”)

Parties:

Gauld Properties Limited, 22 Milnpark Street, Glasgow, G41 1BB (“the Applicant”)

Miss Aurelia Mandel, Mrs Edit Koszo, 1/8 1618 Gt Western Road, Glasgow, G13 1HQ (“the Respondents”)

Tribunal Members:

James Bauld (Legal Member) and Andrew McFarlane (Ordinary Member)

Decision (in absence of the first named Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the applications for the orders for possession should both be granted

Background

1. A hearing in respect of these two applications took place at Glasgow Tribunal Centre on 15 July 2026.
2. In each application, the applicant landlord seeks an eviction order against the respondents who are the tenants.

3. In the application under case reference FTS/HPC/EV/25/2282 (“case 2282”), the eviction order is sought in terms of grounds 11 and 14 of schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”).
4. Ground 11 allows an eviction order to be granted where a tenant has failed to comply with an obligation under the tenancy.
5. Ground 14 allows an eviction order to be granted where a tenant has engaged in relevant anti-social behaviour.
6. In the application under case reference FTS/HPC/EV/26/0880 (“case 0880”) an eviction order in terms of ground 12 of schedule 3 to the 2016 Act.
7. Ground 12 allows an eviction order to be granted where the tenant has been in rent arrears for three or more consecutive months.
8. In respect of each of the three eviction grounds, the tribunal must also be satisfied that it is reasonable to grant the order.
9. A case management discussion in respect of case 2282 had previously taken place in January 2026 and case 0880 was subsequently conjoined with case 2282 and both remitted to the tribunal to determine.
10. An earlier hearing had taken place on 16 March 2026, and a note was issued to parties after that hearing setting out various issues which had been discussed and various steps which required to be taken.
11. This decision covers both applications and sets out the background to the applications, the evidence provided to the tribunal and the decision and the reasoning of the tribunal.

The hearing

12. The landlords were represented at the hearing by their operations director, Miss Sharon Stewart and by Ms Marie Mains, their property manager.
13. The first named respondent Miss Mandel was not present at the hearing. The second name responded Mrs. Kozso was present. Mrs Kozso is the mother of Miss Mandel. Mrs Kozso explained that Ms Mandel was not in attendance because they do not leave the property together at the same time as they believe that if they do so the landlord will attempt to take entry without their knowledge. She could provide no explanation for this apparent concern.
14. A Hungarian interpreter, Ms Eva Kilborn, was also present to assist Mrs. Kozso. The tribunal is very grateful to the interpreter for her assistance at the hearing.

Summary of discussions at the hearing

15. The tribunal asked various questions of the parties in connection with both applications.
16. The applicant confirmed that they wished to proceed with the applications seeking the eviction orders.
17. The second named respondent, Mrs Koszo speaks Hungarian as her first language and an interpreter was present through throughout the hearing
18. The tribunal provided a translated copy of the note that had been made after the hearing on 16 March to Mrs Koszo. This had been previously issued by the tribunal administration.
19. The tribunal noted that at the previous hearing the respondents had undertaken to allow access to the landlord to have an electrical inspection undertaken and an Electrical Installation Condition Report ("EICR") prepared. Mrs Koszo indicated that no such access had been allowed nor had any report been obtained. She complained that there were issues with the electric meter within the property and that the electrical wiring in the property was dangerous. She indicated that she and the other respondent had received electricity bills of £28,000 from Scottish Power.
20. Mrs Koszo was unable to provide any answer explaining why the respondents had refused access and on what basis she believed these issues could be resolved if she and her daughter continued to refuse access to the landlord's nominated contractor.
21. Mrs Koszo indicated that she had wanted the tribunal to send an independent expert. It was pointed out to her that was not the tribunal's duty and that the note issued after the hearing indicated that the EICR can only be produced by a contractor who is qualified and certified to appropriate national standards of competence. Any contractor chosen to carry out this work is effectively independent of the party instructing them and therefore competent and appropriately qualified to provide the report.
22. Mrs Koszo was referred to paragraph 31 of the previous hearing note where it was indicated that if they failed to allow the landlord access to carry out the inspection, then the tribunal may draw adverse inferences from such a refusal. It was also indicated that the tribunal may draw an inference that the respondents are determined to continue to refuse to comply with the condition of their tenancy that requires them to allow access to the landlord to carry out inspections and appropriate repairs.
23. The applicant then indicated that rent arrears now stood at £8660, an increase of £2600 since the date of the previous hearing. Rent is currently £650 per month, and arrears have continued to rise. No payments have been made by the respondents for a significant period of time. The

respondents have made no proposals to deal with ongoing rent or pay the outstanding arrears.

24. Mrs Koszo confirmed that rent was not being paid. The tribunal referred the respondent to the terms of paragraph 32 of the previous hearing note which indicated that the level of arrears that date was significant and that the respondents were at risk of eviction based on those arrears.
25. The tribunal then explained to Mrs Koszo the position set out by the Upper Tribunal in the case of **Scott Mackellar v. Nicola Carlin** (2025UT19 UTS/AP/24/0008) .in that case, Sheriff Reid indicated **“that no reasonable tribunal could properly have concluded, on the evidence available, that it was not reasonable to grant an order for eviction in circumstances where the tenant (i) has not paid full rent in more than a year (a fortiori to the objectively-significant extent proven by the Appellant); (ii) has not responded to correspondence seeking payment of the arrears or cessation of the persistent ongoing monthly shortfalls in rent; and (iii) has made no proposals whatsoever to clear the arrears or to resume full contractual payments, still less within a reasonable period.**
26. Mrs Koszo was asked why she and her daughter wished to remain in a flat where they were complaining about its state of repair and where they were complaining that it was effectively dangerous. She could provide no answer to that question and again conceded that they had not allowed anyone to carry out the repairs.
27. Mrs Koszo then advised the tribunal that she is aware that her daughter has significant mental health issues and that she has been asking her to seek assistance, but she has refused to do so.
28. The tribunal noted that the respondents had obtained an electrical inspection in September 2023 which showed that the electrical system within the property was unsatisfactory. The tribunal explained to Mrs Koszo the possibility of obtaining assistance from the tribunal using the provisions of the Housing (Scotland) Act 2006 which imposes duties on landlords to maintain properties to a specific level known as the “repairing standard”. Mrs Koszo indicated the respondents had not raised any such application. She also could not explain why having obtained that report that they had continued to refuse access to the landlord to carry out relevant repairs.
29. It was noted from the applicant’s representatives that the electric meter within the property is of the radio teleswitch (“RTS”) type which has recently been withdrawn and which should have been replaced. Again, no access has been allowed to enable this change to be affected.
30. The tribunal then asked the applicants whether they had also followed the suggestions within the previous hearing note at paragraph 27 that they seek independent legal advice particularly in relation to the eviction order sought

based on grounds 11 and 14 in case 2282. They indicated that they have not done so but that they have taken advice throughout the proceedings from the Scottish Association of Landlords.

31. The applicant's representatives also indicated that they attempted to use the tribunal procedure to gain entry to the property but that had to be abandoned on the day that the tribunal member had attended at the property. Miss Mandel on that date had reacted very badly and had screamed and shouted at the applicant's staff members, their contractor and the tribunal member. The tribunal member therefore abandoned her efforts to assist the landlord to gain entry. That incident had occurred on 19 March 2025 and was the last time that the applicant's staff had tried to visit the respondents at the property.
32. Ms Mains indicated that she had been in attendance on that date and that Miss Mandel's behaviour was frightening. Miss Mandel had been screaming at the top of her voice and continued to do so even as the various parties walked away from the property. Ms Mains indicated she has been involved at a property manager for approximately 20 years and that was the only time she had ever felt threatened by a tenant. She was concerned for her safety even though all there were other people present including a member of the tribunal security staff.
33. The tribunal then sought to obtain some personal information from Mrs Koszo to assist in the determination of the applications for eviction with particular reference to the reasonableness of the granting of the orders.
34. Mrs Koszo indicated that she is 67 years old and is now retired. She receives income via a UK state pension and a Hungarian pension which in total amounts to £1362 per month. She has no significant ongoing health concerns. She had suffered a stroke in 2019 but there are no lingering physical after-effects from that. She has some difficulty with her memory. She indicated she has no family in the United Kingdom nor any support network.
35. It was noted that rent had previously been paid by direct payments from Universal Credit until 2025 Mrs. Kozso could not explain why those payments has stopped but it appeared that her universal credit payments had ceased when her UK state pension had started.
36. Mrs. Kozso advised that her daughter was not working and was not currently receiving benefits.
37. It was explained that the respondents had moved to the United Kingdom in 2012 and had originally settled in London. Miss Mandel had been studying at that time.
38. In 2016, they moved to Glasgow and Miss Mandel was a student for a period of time after arriving.

39. Mrs. Kozso indicated that while in London she had worked in hotels and in Glasgow she had worked as a cleaner.
40. It was indicated that Miss Mandel has set up a number of companies in connection with her interest in furniture design and jewellery but that she does not earn any significant income from these ventures.
41. Mrs Kozso indicated that she has been trying to get her daughter to seek appropriate assistance for her mental health issues for a considerable period of time but has been unable to do so.
42. She confirmed that she has no alternative housing and has not approached the local council, any local housing association or the social work department for any assistance.
43. The tribunal asked the parties whether an eviction order, if granted, should be delayed. The representatives for the applicant indicated that although they were sympathetic to Mrs Kozso's position, it was their belief that there should be no delay. The continued presence of Miss Mandel was creating safety issues within the property, and the lack of access was worrying.
44. The hearing then concluded and the tribunal thanked all parties for their attendance and assistance.
45. The tribunal again notes the invaluable assistance provided by the interpreter during the hearing.

Findings in Fact

46. The Applicant and the Respondents as respectively the landlord and tenant entered into a tenancy of the property which commenced on 12 December 2020.
47. The tenancy was a private residential tenancy in terms of the Act.
48. The initial agreed monthly rental was £550 and is currently £650 per month.
49. On 23 September 2025 the applicant served upon the tenant a Notice to Leave as required by the Act. The Notice became effective on 25 October 2025.
50. The notice informed the tenants that the landlord wished to seek recovery of possession using the provisions of the Act.
51. The notice was correctly drafted and gave appropriate periods of notice as required by law.

52. The notice set out a ground contained within schedule 3 of the Act, namely ground 12 that the tenant had been in arrears of rent for three or more consecutive months.
53. Arrears had started to accrue from May 2025 and at the date of service of the Notice to Leave amounted to £2,160.
54. At the date of the lodging of the application arrears amounted to £5,410.
55. At the date of the hearing on 15 July 2026 the arrears amounted to £8,660.
56. The tenants had been continuously in arrears from May 2025 until the date of the hearing.
57. The basis for the order for possession on ground 12 was accordingly established.
58. On 9 April 2025 the applicant served upon the tenant a Notice to Leave as required by the Act. The Notice became effective on 11 May 2025.
59. The notice informed the tenants that the landlord wished to seek recovery of possession using the provisions of the Act.
60. The notice was correctly drafted and gave appropriate periods of notice as required by law.
61. The notice set out two grounds contained within schedule 3 of the Act, namely ground 11, that the tenants had failed to comply with an obligation under the tenancy and Ground 14 is that the tenants had engaged in relevant anti-social behaviour.
62. Clause 19 of the tenancy agreement requires the tenants to allow reasonable access to the property for an authorised purpose where the tenant has been given at least 48 hours' notice or access is required urgently. Authorised purposes are defined as carrying out work in the property which the landlord is required to or is allowed to either by law or under the terms of this agreement or any other agreement between the landlord and the tenant, inspecting the property to see if any such work is needed and carrying out a valuation of the property. The right of access also covers access by others such as a contractor or tradesman hired by the landlord.
63. The tenants have regularly refused access to the property to the landlord and to contractors and tradesmen nominated by the landlord for the purposes of inspections and repairs.

64. Access was also refused on 19 March 2025 when the applicants had sought assistance from this tribunal to exercise their right of entry.
65. Clause 20 of the tenancy agreement requires the tenants not to engage in anti-social behaviour to another person. Another person includes anyone in the property, a neighbour, a visitor, a landlord an agent or a contractor.
66. On 19 March 2025 the landlord's representative and a tradesman attended at the property along with a tribunal member in respect of an application made by the landlords to have the tribunal assist the landlord in exercising their right of entry.
67. Miss Mandel refused to allow access and shouted and screamed at the landlord's representatives, the contractor and the tribunal member. Miss Mandel was aggressive and angry and her behaviour caused significant alarm and distress to the landlord's representatives.
68. Miss Mandel has regularly sent emails to the applicant which are disrespectful and aggressive in tone, and which have also caused alarm and distress to the members of staff who have received those emails.
69. The basis for the order for possession on both grounds 11 and 14 is established.

Discussion and Reasons for decision relating to case reference FTS/HPC/EV/26/0880

70. The order for possession was sought by the landlord on a ground specified in the Act and properly narrated in the notice served upon the tenant.
71. The tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the landlord was entitled to seek recovery of possession based upon that ground.
72. The tribunal accepted the unchallenged evidence presented on behalf of the landlord with regard to the rent arrears. A rent statement was produced which set out the history of the arrears. Mrs Koszo also confirmed that the arrears existed.

73. The landlord has complied with the matters set out in the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020. Appropriate information was provided to the tenant.
74. The ground for eviction under which this application was made is the ground contained in paragraph 12 of schedule 3 of the Act. The ground is that the tenant has been in arrears of rent for three or more consecutive months. When the 2016 Act was originally passed, that ground of eviction was mandatory, if the tenant was in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on the day of the hearing. The tribunal was required by law to grant the eviction order if satisfied that the ground was established.
75. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
76. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.
77. The Tribunal now has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the tribunal to grant the order or decline to grant the order will be relevant. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. This is confirmed by one of the leading English cases, **Cumming v Danson**, ([1942] 2 All ER 653 at 655) in which Lord Greene MR said, in an oft-quoted passage:
- “[I]n considering reasonableness ... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account”.**

78. The tribunal further notes that in an Upper Tribunal case, **Scott Mackellar v. Nicola Carlin** (2025UT19 UTS/AP/24/0008), Sheriff Reid issued a decision dated 25 March 2025. In that decision the Upper Tribunal quashed a decision of the First-Tier Tribunal refusing an eviction application and granted an eviction order.

79. In that decision at paragraph 31, Sheriff Reid indicated that:-

“the FTS has fallen into error in its overall assessment of reasonableness, in respect that no reasonable tribunal could properly have concluded, on the evidence available, that it was not reasonable to grant an order for eviction in circumstances where the tenant (i) has not paid full rent in more than a year (a fortiori to the objectively-significant extent proven by the Appellant); (ii) has not responded to correspondence seeking payment of the arrears or cessation of the persistent ongoing monthly shortfalls in rent; and (iii) has made no proposals whatsoever to clear the arrears or to resume full contractual payments, still less within a reasonable period.

80. In this case the tribunal finds that it is reasonable to grant the order.

81. The level of arrears is very high, and it appears very unlikely that the arrears will ever be repaid. The tenants have failed to contact the applicant to make any arrangement to deal with the arrears nor have they offered any acceptable explanation for the non-payment of rent.

82. It is possible that the respondents may be assisted in obtaining alternative accommodation when an eviction order is granted and they face actual homelessness.

83. The granting of the order may therefore ultimately (and almost counter intuitively) benefit the respondents in their attempts to obtain alternative suitable accommodation.

84. The tribunal was satisfied that the tenants had been in arrears for a period far in excess of three consecutive months. They have made no attempt to pay the ongoing rent nor to come to any arrangement with the landlord to deal with the arrears. The ground for eviction was accordingly established and the tribunal found that it was reasonable in terms of the provisions of the 2016 Act to grant the order sought.

**Discussion and reasons for decision relating to case reference
FTS/HPC/EV/25/2282**

85. The ground for eviction under which this application was made are the grounds contained in paragraphs 11 and 14 of schedule 3 of the 2016 Act. Ground 11 is that the tenant has failed to comply with an obligation under the tenancy. Ground 14 is that the tenant has engaged in relevant anti-social behaviour.
86. Clause 19 of the tenancy agreement requires the tenants to allow reasonable access to the property for an authorised purpose where the tenant has been given at least 48 hours' notice or access is required urgently. Authorised purposes are defined as carrying out work in the property which the landlord is required to or is allowed to either by law or under the terms of this agreement or any other agreement between the landlord and the tenant, inspecting the property to see if any such work is needed and carrying out a valuation of the property. The right of access also covers access by others such as a contractor or tradesman hired by the landlord.
87. The Respondents have continuously refused to allow the landlords access to the property to inspect it and to carry out any necessary repair work. This refusal is almost impossible to understand given that the respondents complain that the property is unsafe and that the electrical system within it requires significant repair.
88. The respondents have provided no reasonable explanation for this ongoing refusal. This ongoing refusal is a clear breach of clause 19 of the tenancy agreement.
89. In terms of clause 20 of the tenancy agreement requires the respondents not to engage in anti-social behaviour to another person. The behaviour of the first named respondent as narrated in the findings in fact is a clear breach of this clause of the tenancy agreement.
90. The applicant has therefore produced evidence demonstrating breaches of both clauses. Ground 11 is established.
91. The evidence relating to the breach of clause 20 of the tenancy agreement is also evidence of general antisocial behaviour in terms of ground 14 of the 2016 Act. The applicants have produced evidence that the first named respondent has behaved in a fashion which caused significant alarm and distress to a number of persons including employees of the applicant,

contractors appointed by the applicant and possibly a member of the tribunal at tending to carry out official functions.

92. Additionally, the first named respondent's correspondence to the applicants is of a generally disparaging and upsetting nature and it causes upset and annoyance to those receiving it.
93. The first-named respondent's behaviour falls within the definition of anti-social behaviour as contained within ground 14. Ground 14 is also established.
94. An eviction order on these grounds can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
95. The only matter to be determined in this application is whether it is reasonable to grant the order. The general test relating to reasonableness is set out at paragraph 77 above.
96. In determining whether it is reasonable to grant the order, the tribunal is therefore now required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. There is no presumption, as a matter of law, in favour of giving primacy to the property rights of the landlord over the occupancy rights of the tenant, or vice versa.
97. The tribunal finds that it is reasonable to grant the order. The balance in this case favours the applicant. The continual and ongoing refusal by both respondents to allow access to the property is unacceptable. The respondents were warned by the tribunal that if they continued to refuse access, the tribunal may draw adverse inferences from such refusal. The second named respondent, Mrs Kozso, indicated at the previous hearing that she understood that warning and would make arrangements for access to be granted. Access has not been granted.
98. The behaviour of the first named respondent, Miss Mandel, is entirely unacceptable and should be deplored. The staff of the applicant are entitled to be treated with basic courtesy and respect. They should not be faced with shouting and screaming when attending at the property to carry out standard inspections which are a legal requirement. While it is noted that the second named respondent has not behaved in this fashion the tribunal takes the view that the behaviour of the first named respondent is more than sufficient to justify the view that eviction on these grounds is reasonable.

99. The tribunal has determined that the eviction order should be granted in both applications.

Should the enforcement of the eviction orders be delayed?

100. The tribunal is aware that at some point in the near future it will be required, when granting an eviction order, to consider whether the enforcement of that order should be delayed.

101. The tribunal has a discretion currently to decide that enforcement of an order should be delayed.

102. At the conclusion of the hearing the tribunal asked parties whether this discretion should be exercised. The landlord's representatives indicated that while they were sympathetic, particularly to the second name respondent, it was their view that this was a matter where the eviction should be granted without any further delay. They had concerns with regard to obtaining access to the property and for the safety of their employees and contractors.

103. The second named respondent indicated that she would wish any order to be delayed and would leave any such decision to the tribunal.

104. In all the circumstances the tribunal believes that it is appropriate to grant a short delay before the eviction orders can be enforced. The second name responded in particular is a retired woman who will undoubtedly require significant assistance from other agencies to obtain alternative accommodation.

105. The tribunal will accordingly delay enforcement of the order for a period of approximately 8 weeks and the effective date when the eviction can be enforced will be set out in the orders which will be issued along with this decision.

106. The decisions of the tribunal are unanimous

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.

Jim Bauld

Legal Member/Chair

Date: 15th July 2026