

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 Act”)

Chamber Ref: FTS/HPC/EV/25/4249

Re: Property at 25 Haystack Place, Lenzie, Glasgow, G66 5QA (“the Property”)

Parties:

Mr Greg Nisbet, 1/2 9 Striven Gardens, Glasgow, G20 6DZ (“the Applicant”)

Mr John Kerr, 25 Haystack Place, Lenzie, Glasgow, G66 5QA (“the Respondent”)

Tribunal Members:

Fiona Stephen (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the application.

Background

1. By application dated 2 October 2025, the Applicant sought an order for eviction under section 51 of the Act and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). The application was accepted by the Tribunal on 30 October 2025 and referred to it for determination. This application has been conjoined with payment application FTS/HPC/CV/25/4251 in respect of rent arrears.
2. A Case Management Discussion (CMD) took place on 20 April 2026 at 2pm by teleconference call but was continued until 1 July 2026 at 2pm. As at 20 April 2026 the Respondent had made substantial in-roads into the arrears of rent. Whilst the Applicant was hopeful that this would continue, given the history of poor payment by the Respondent, that was uncertain and an adjournment of the CMD was requested. That was granted and a Direction

issued asking for certain information from the parties including evidence from the Respondent of a payment proposal.

3. On 5 May 2026 the Respondent provided the Tribunal with a copy of a payment arrangement that had been agreed with the Applicant.
4. The Tribunal had before it:
 - (i) The Application Form E;
 - (ii) A tenancy agreement between the Applicant and Respondent relating to the property dated 22 September 2023;
 - (iii) Confirmation from the Scottish Landlord Register that the Property is registered in the name of the Applicant;
 - (iv) Copy of the Note of the Case Management Discussion held on 20 April 2026 and subsequent Direction; and
 - (v) Case Papers.

Case Management Discussion

5. A Case Management Discussion (CMD) took place on 1 July 2026 by teleconference call at 2pm. Ms K O'Neill of Coda Estates Limited appeared for the Applicant. There was no appearance for the Respondent.
6. Other than the email dated 5 May 2026 received by the Tribunal from the Respondent, no other information had been provided by either party in terms of the Direction. Ms O'Neill confirmed that the Respondent had kept to the payment arrangement, had paid off the arrears and was now ahead of his payment in rent. He wanted to keep it that way "just in case".
7. In the circumstances, the Applicant was content for the application to be dismissed and the Tribunal confirmed it would do so.

Reasons for Decision

8. As the Respondent has paid off the arrears of rent which gave rise to this application and the Applicant is content for the application to be dismissed, the Tribunal determined to dismiss the application.

Decision

The Application is dismissed.

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.

**Fiona Stephen
Legal Member/Chair**

**1 July 2026
Date**