



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 70 of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/26/0043

Re: Property at 27E Thornhill, Johnstone, PA5 8JQ (“the Property”)

Parties:

**PLP 0 Limited, Flat 7, Ranfurly Court, Ranfurly Place, Bridge of Weir, PA11 3DF
 (“the Applicant”)**

Miss Caitlin McNally, 27E Thornhill, Johnstone, PA5 8JQ (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Sandra Brydon (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 in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 12 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. Two applications were made under Rule 111 and 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure Regulations 2017 (“the 2017 Rules”) seeking an order for payment and an

order for recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.

2. The applications contained: -

- a. the tenancy agreement,
- b. the notice to leave with evidence of service
- c. section 11 Notice with evidence of service
- d. rent statement
- e. emails to the tenant about rent arrears

3. A case management discussion took place on 11 August 2026. In attendance was the applicant's agent, Ms Wooley from Bannatyne Kirkwood France & Co. Notice of the Case Management Discussion had been made by the sheriff officers. The respondent did not appear. The tribunal was prepared to proceed in their absence, given they had notice of the Case Management Discussion.

Discussion

4. The agent advised that she sought an eviction order under ground 12 - 3 months' rent arrears and an order for payment of £7,731.00 together with interest at 8%. There were at least 3 months' rent arrears as at the date of the notice to leave being served: at that date, the arrears were £2,081. The notice to leave was served on 24 September 2025, and it had expired on 25 October 2025. The current situation as of 11 August 2026 was that arrears were £7,731.00.

5. The tenant lives in a one-bedroom property, it is believed by herself. There have been no payments to the rent since November 2025. The last communication from the tenant was in December 2025 when she made an offer to pay to make payments to her rent and something towards the arrears; however, she made no payments in response to that proposal by her. There

has been no further communication from the respondent to the applicant in relation to the failure to pay rent in arrears.

6. The applicant understands that the tenant lives by herself. The applicant is not aware of the respondent having any particular health conditions. The applicant is not aware of there being any outstanding benefit issues which would prevent rent being paid. The tenant had previously hinted that the reason for the failure to pay rent was because she had lost her job; however, this has never been clarified or confirmed.
7. The circumstances affecting the applicant are that it is a company which rents out 10 properties. The director of the company has retired and the income from the rental supplements his pension. There is no mortgage over this property, but the applicant's agent was not sure whether or not there were any other mortgages over the other properties.
8. The applicant believes that the respondent is still residing within the property.
9. In relation to the civil proceedings. The applicant sought to amend the sum sued from £2,081.00 to £7,731.00. The tribunal granted this amendment. A payment order for £7,731.00 with interest at 8 % in line with the Bank of England base rate was also sought. The agent advised that the applicant was seeking interest of 8%. This is not contractual interest and is to be awarded at the discretion of the tribunal. The agent submitted it was reasonable to award interest at the rate of 8% in light of the long history of rent arrears and the minimum response for the applicant. She submitted that the arrears are now quite substantial and are long-standing.

Findings in Fact

10. The Tribunal found the following facts established: -
11. There existed a private residential tenancy.
12. The tenant was Caitlin McNally.

13. The landlord was PLP 0 Limited.
14. The property was 27 E Thornhill Johnstone.
15. It had commenced on 22nd April 2025
16. The tenancy stated that rent was £575 a calendar month payable in advance.
17. A notice to leave was submitted dated 24 September 2025, stating that an application would not be made until 25 October 2025. It sought eviction under ground 12, rent arrears. It set out that the respondent had been in rent arrears for more than three consecutive months. The notice to leave had been emailed to the tenant. There was evidence of service.
18. A section 11 notice had been sent to the local authority advising that the landlord was seeking possession of the property. There was evidence of service.
19. When the notice to leave was served on 24 September 2025, the rent arrears were £2,081.00.
20. As of 11 August 2026 the arrears were £7,731.00.
21. There were arrears on the rent account since at least June 2025.
22. The last payment to rent was made on November 2025.
23. There was evidence that the pre-action protocol requirements had been followed.
24. There was no evidence of failure or delay in any benefit payment to the respondent.
25. The respondent had regularly failed to pay their rent and arrears. The arrears had been steadily accruing.
26. The respondent had failed to enter into a repayment arrangement with the landlord.

Reasons for Decision

27. Section 51 of the 2016 Act provides the Tribunal with the power to grant an order for eviction for a private residential tenancy if it finds that one of the grounds in Schedule 3 of the Act applies.

28. The ground which the Applicant seeks eviction is ground 12. It is in the following terms:-

12 Rent arrears

(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2) [...]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 [—] 3 [

(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.] 3

(5) For the purposes of this paragraph— ...

29. The applicant's agent confirmed that they sought an order for eviction based on the fact that the respondent had been in rent arrears for three or more consecutive months. When the notice to leave was served on 24 September 2025, the arrears were £2,081. The respondent had been in rent arrears for over three months. The arrears had continued to accrue from July 2025. There did not appear to be any benefit issues which were causing the arrears. It appeared that the first part of ground 12 was met.

Given that the first part of the ground is met, the tribunal is therefore required to proceed to consider if it would be reasonable to grant the order.

30. We find it would be reasonable to grant the order for eviction; in coming to this conclusion, we took into account the following matters:-

31. Matters in support of granting the order were as follows: The arrears were now more than £7,731.00. Arrears had been accruing since around July 2025. The respondent had made no payments towards the rent or arrears since November 2025. There were no proposals to repay the arrears. The landlord and agent had attempted to engage with the respondent and provided advice to them about where to get help. These efforts had not been successful. The arrears were significant, and the landlord relied on the rental to provide him with an income in his retirement. We were not aware of mitigation in favour of the respondent. We consider it would be reasonable to grant an order for eviction.

32. Accordingly, considering the papers before us and the oral submission by the applicant's agent, the tribunal was prepared to grant the order for recovery of possession, given that the first part of ground 12 was met and in all the circumstances it appeared to us to be reasonable to grant the order.

Decision

33. The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

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.

Melanie Barbour

11 August 2026

Legal Member/Chair

Date