



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/26/0752

Re: Property at 2/3 38 Eastside, Kirkintilloch, Glasgow, G66 1QH (“the Property”)

Parties:

Mr Colin Lang, 3 Hayston Road, Kirkintilloch, Glasgow, G66 1BW (“the Applicant”)

Mr John Kelly, 2/3 38 Eastside, Kirkintilloch, Glasgow, G66 1QH (“the Respondent”)

Tribunal Members:

George Clark (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 that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application, dated 11 February 2026, the Applicant sought an Order for Possession of the Property under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, (arrears of rent over three consecutive months).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 6 December 2024 at a monthly rent of £550 per month (later reduced to £500 per month), a Notice to Leave dated 8 December 2025, advising the Respondent that the Applicant was seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 8 January 2026, and a Rent Statement showing arrears at 6 December 2025 of £2,700. The Applicant also provided copies of pre-action protocol letters to the Respondent dated 28 July, 26 August and 3 October 2025, all of which signposted the Respondent to sources of possible help and

assistance. The application stated that the Applicant had made numerous efforts to engage with the Respondent by email and telephone calls and had offered reasonable repayment plans on several occasions. These had been verbally agreed by the Respondent but had not then been honoured by him.

3. On 30 July 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 20 August 2026. The Respondent did not make any written representations to the Tribunal.
4. On 3 September 2026, the Applicant's representatives advised the Tribunal that the rent arrears now stand at £6,200 and provided a Rent Statement to 6 August 2026 showing arrears of £5,700 and a copy of a further letter of 3 September 2026 to the Respondent, confirming the arrears had, by that date, increased to £6,200.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 9 September 2026. The Applicant was represented by Miss Katrina O'Neill of CODA Estates Limited, Lenzie. The Respondent was not present or represented.
6. The Applicant's representative told the Tribunal that no rent payments had been received between 3 September and today's date and that the arrears are £6,200. She stated that the Respondent lives on his own and that, in addition to the pre-action protocol letters, they had suggested to the Respondent that he contact Citizens Advice and had explored whether he could receive any help by way of a grant from the local authority, but he had failed to engage with other agencies as well as with the Applicant's representatives.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the Eviction Grounds named in Schedule 3 applies.
9. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, at the beginning of the day on which the Tribunal first considers the application for an Eviction Order on its merits, the tenant is 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 that day, and has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months, that the Tribunal is satisfied that the tenant's being in arrears of rent over that period is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order.

10. The Tribunal was satisfied that the Respondent has been in rent arrears for three or more consecutive months and that the current arrears exceed one month's rent. Accordingly, the only matter for the Tribunal to determine was whether it was reasonable to issue an Eviction Order.
11. The Tribunal noted that the arrears are very substantial and long-standing and are increasing every month. There was no evidence to indicate that the arrears were in any way attributable to a delay or failure in the payment of a relevant benefit. The Respondent did not provide any written representations and chose not to attend or be represented at the Case Management Discussion, so provided the Tribunal with no information regarding his personal circumstances that he wished the Tribunal to consider in arriving at its decision. It also appeared that the Applicant's representatives had gone to considerable lengths to encourage the Respondent to seek advice and assistance.
12. Having considered carefully all the evidence before it, the Tribunal decided that it was reasonable to issue an Eviction Order against the Respondent under Ground 12 of Schedule 3 to the Act.
13. The Tribunal's Decision was 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.

G. Clark

Legal Member/Chair

Date : 9 September 2026