



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 17 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017

Reference number: FTS/HPC/EV/26/1428

Re: Property at 0/1 3 Deanston Drive, Shawlands, Glasgow, G41 4AF (“the Property”)

The Parties:

Mr Sam Cooke, Mrs Laura Foster, 34 Bellfield Street, Portobello, Edinburgh, EH15 2BP (“the Applicant”)

Ms Gemma Riddell, 0/1 3 Deanston Drive, Shawlands, Glasgow, G41 4AF (“the Respondent”)

Tribunal Members:

Hilary Macandrew (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Eviction Order be granted

1) Background

- 1.1 By Application dated 27th March 2026 the Applicant seeks an order for eviction relying on Ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 29th April 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 30th June 2026.

1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private residential tenancy agreement dated 21st and 25th July 2022
- Notice to Leave 16th February 2026
- Section 11 Notice to Local Authority
- Rent statements
- Pre Action Requirement correspondence which included emails and correspondence from the Landlord's agent detailing sources of independent support and advice.
- Written summary of the financial hardship caused to the Applicants with supporting bank statements

2) The Case Management Discussion

2.1 The CMD took place by tele conference on 31st July 2026 at 2pm. The Applicant was represented by Mr Mark Shanta of Shanta Letting Ltd, the Applicant's Agent. The Respondent represented herself.

2.2 Mr Shanta confirmed that the property is 0/1 3 Deanston Drive, Shawlands, Glasgow G41 3AF.

2.3 Mr Clark confirmed that the parties entered into a Private Residential Tenancy Agreement which commenced on 25th July 2022 at a monthly rent of £1400 increasing to £1442.

2.4 At the time of submitting the Notice to Leave the arrears were £2,110. The amount of arrears outstanding at the date of the CMD were £8,012. This did not take account of a payment of £800 made by the Respondent on 31st July 2026. The Respondent did not dispute the level of arrears. Mr Shanta did not dispute that a payment of £800 had been made by the Respondent.

2.5 The Respondent did not dispute the accuracy of the rental statements lodged by the Applicant in advance of the CMD. She did not dispute that the rent had been in arrears since October 2025.

2.6 Mr Shanta was able to talk about the personal circumstances of the Applicant. The Applicant are a couple who own the property with a mortgage. They are living abroad due to work commitments. The property is the only property of which they are landlords. They are not in the business of letting property. It is formerly their home. There are three bedrooms. The property is burdened by a mortgage. The Applicants are meeting the mortgage payments from their own funds. The absence of rent is having an impact on the Applicant's financial position.

2.7 The Respondent was able to explain her own circumstances. She said that she suffered a period of ill health in the latter part on 2025. She is better now and has been accepted for a full time University course. She acknowledged that the

rent arrears and ongoing rent had to be paid. She acknowledged that she had previously been in arrears with her rent in the summer of 2025 in a lesser sum which she had cleared in August 2025. She said she intended making a pension withdrawal, a SIPP withdrawal and she will apply for a student loan. She sent an email to the pension company on 30th July 2026 enquiring about making a withdrawal of funds. She has no definitive response. She starts on the University Course on 24th August 2026 and intends applying for a student loan at that time. She thought she would be able to raise £1000 from the student loan by the end of August. She thought the pension withdrawal would be possible as she is to be making the application on medical grounds. She could not confirm the criteria or any certainty or time scale. She intends contacting her GP for support in this. She has access to funds in a SIPP which she is investigating. She could provide no certainty or detail. She estimates she might have £9000 if the pension and SIPP claim is successful. Her university course is scheduled to take three years and possibly beyond. She receives benefits totalling £1120 per month. She is not entitled to any backdated benefits or additional housing benefit. Her stated income is less than the monthly rent. She likes the property and has made a home for herself there. She lives alone and has a dog. She has looked after the property and she is friendly with the neighbours. She has taken no steps to obtain financial, benefits or housing advice.

- 2.9 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 CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

- 3.1 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement in respect of the property which commenced on 25TH July 2022.
- 3.2 The monthly rent due under the Private Residential Tenancy is £1442 per month.
- 3.3 The rent arrears due as at the date of the Notice to Leave was £2,110.
- 3.4 The rent arrears due as at the date of the hearing is £8,012.
- 3.5 The Applicant complied with the pre-action requirements
- 3.6 Ground 12 in Schedule 3 of the 2016 Act has been established
- 3.7 It is reasonable to grant an order for eviction

4) Issue For The Tribunal

4.1 The issue for the Tribunal is to determine whether or not to grant the order sought.

4.2 The ground on which the Application proceeds is ground 12 which states:

“(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 the 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.”

4.3 The Tribunal was satisfied that the ground had been met and that the Respondent had been made aware of the consequences of their failure to pay rent.

4.4 Therefore, the statutory ground and procedure being established, the issue for the Tribunal was to determine if it is reasonable to grant the order.

5) Decision and Reasons for Decision

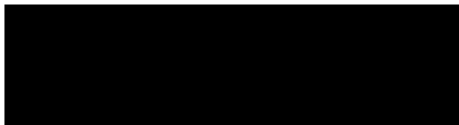
5.1 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.

5.2 The Tribunal had regard to the fact that the Respondent has been in arrears previously during the summer of 2025 which were cleared in August 2025 and she fell into arrears again in October 2025. The arrears have increased significantly. The Tribunal’s view is that the level of arears being £8,012 combined with the length of time which arrears have existed leads to it being untenable for the Respondent to continue as a tenant in the Property. The Respondent provided no information which would indicate that she can sustain the current rent or with any certainty clear the arrears. The current rental payments are not being made in full. As part of the pre action requirements the Applicant’s agent provided information to the Respondent about independent financial, benefit and housing support services. The Respondent did not seek such support. The Tribunal found that the Applicant is entitled to receive payment of rent and that this entitlement outweighs the Respondent’s right to remain in the Property. Accordingly, the Tribunal was satisfied that it is reasonable to issue an Eviction Order.

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.

Hilary Macandrew



Legal Member/Chair

31st July 2026

Date