

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)**

Chamber Ref: FTS/HPC/EV/25/5452

Re: Property at 5 Charles Lane, Bathgate, EH48 1JQ (“the Property”)

Parties:

Mr Ian Stuart Watt, Mrs Jacqueline Watt, 41 Kirk Road, Bathgate, EH48 1BW; 41 Kirk Road, Bathgate, EH43 1BW (“the Applicant”)

Mr Ross Bell, 5 Charles Lane, Bathgate, EH48 1JQ (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Greig Adams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 5 June 2025 the Applicant let the property to the Respondent.
2. The start date of the tenancy was 5 June 2025.
3. The rent is payable at a rate of £850.00 per calendar month.
4. Very soon after the start date of the tenancy the Respondent fell into arrears of rent. Rent due on 5 July 2025 was not paid. The first payment received thereafter was an amount of £317.99 received on 16 October 2025, that payment being received by way of universal credit. Following that payment being received the arrears of rent amounted to £3,082.01. Arrears of rent

continued to accrue thereafter. A payment of £65.57 was received on 16 November 2025, again by way of universal credit. Thereafter monthly payments of £625.00 have been received, those payments all being received by way of universal credit payments.

5. While payments of £625.00 per month are being received by way of universal credit, there is a monthly shortfall of £225.00 between the payments being received and the monthly rent due.
6. A Notice to Leave dated 3 November 2025 was served up on the Respondent. As at that date arrears of rent amounted to £3,866.44.
7. An application seeking an Eviction Order was presented to the Tribunal on 18 December 2025. As at that date arrears of rent amounted to £4,091.44.
8. A Notice in terms of s11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the local authority.
9. Prior to the case management discussion an updated rent statement was forwarded to the Tribunal. This intimated that, as at 5 June 2026, arrears of rent amounted to £6,066.44.

THE CASE MANAGEMENT DISCUSSION

10. Both Applicants attended the case management discussion by teleconference. They were represented by Miss B Collie of W&A S Bruce, Solicitors, Broxburn. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.
11. Miss Collie advised the Tribunal that, since the updated rent statement was forwarded, a further payment has been received from universal credit. The arrears of rent as at the date of the case management discussion, therefore, amount to £5,441.44.
12. Miss Collie moved the Tribunal to grant an Order for Eviction.

13. The Tribunal was advised that the Respondent resides alone at the Property. It is understood he is approximately 30 years of age. It is understood he was in employment at the commencement of the tenancy but lost his job shortly thereafter. As a result, following a period where no rental payments were received at all, all payments received thereafter have been by way of universal credit. There was already a significant level of arrears before universal credit payments commenced. Thereafter, however, the arrears continued to rise as the payments being received are £225.00 per month less than the rent actually due.
14. It is not known if the Respondent has any medical conditions which affect his ability to work or which are relevant to the issue of reasonableness. The Applicants were advised that the Respondent lost his job following an accident but have received no further information in relation to the accident, nor further issues arising from it thereafter.
15. The Respondent has not engaged with the Applicants. The Applicants attempted to arrange an inspection of the property but the Respondent did not respond to any requests.
16. The Applicants did arrange for a gas engineer to attend at the Property to deal with certain matters. The first attempt at access by the gas engineer failed as the Respondent was abroad on holiday. The gas engineer did subsequently obtain access to the Property. No issues of concern were reported by the gas engineer.

REASONS FOR DECISION

17. Having regard to:-

- the level of arrears of rent,
- the fact payments presently being received are significantly less than the monthly rental due and the arrears are continuing to rise,
- the failure of the Respondent to engage with the Applicants,
- the failure of the Respondent to provide any representations to the Tribunal in advance of the Case Management Discussion and
- the failure of the Respondent to participate in the Case Management Discussion and there being, as a result, no opposition intimated to the Tribunal in relation to the order sought,

the Tribunal considered it reasonable to grant an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act

Order not to be executed prior to 12 noon on 29th July 2026

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.

Virgil Crawford

22nd June 2026

Legal Member/Chair

Date