

Housing and Property Chamber

First-tier Tribunal for Scotland



Decisions with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Refs: FTS/HPC/EV/26/0369 and FTS/HPC/CV/26/0372

Re: Property at 110 Harefield Drive, Glasgow, G14 9AJ (“the Property”)

Parties:

Kris Brown, 2 Creityhall Road, Drymen, G63 0JA (“the Applicant”) and

Bannatyne Kirkwood France & Co, Solicitors, 16 Royal Exchange Square, Glasgow, G1 3AG (“the Applicant’s Representative”) and

Kelly Smith, 110 Harefield Drive, Glasgow, G14 9AJ (“the Respondent”)
Tribunal Members:

G McWilliams- Legal Member
A Moore - Ordinary Member

Decisions

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows:

- 1) To grant an eviction order; and**
- 2) To grant an order for payment to the Applicant, Mr Kris Brown, by the Respondent, Ms Kelly Smith, of the sum of £13,145.00, with interest at the rate of 4% per annum from the date of this decision until payment is made.**

Background

- 1. These are Applications for an eviction order in terms of Rule 109 (Application for an eviction order) and for a payment order in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).**

Case Management Discussion on 11th August 2026

- 2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10am on 11th August 2026. The Applicant Mr Brown’s Representative’s Miss**

A Wooley attended. The Respondent, Ms Smith, did not attend, was not represented and there was no explanation for her absence. The Tribunal noted that Sheriff Officers had served the papers in respect of both Applications, and the details of the CMD, on Ms Smith by posting the relevant documents through the letterbox at the Property on 8th July 2026.

3. Miss Wooley referred to the Applications. Miss Wooley stated that Ms Smith has not paid rent since 1st August 2025 and that the arrears of rent now owing are in the sum of £14,340.00. She acknowledged that the updated Rent Statement which she had sent by e-mail to the Tribunal's office, on 27th July 2026, a copy of which was then sent by post to Ms Smith by the Tribunal's Admin Team, showed rent arrears owing of £13,145.00. Miss Wooley stated that the latter sum is the amount of the payment order which is sought. Miss Wooley said that Mr Brown was aware that Ms Smith was in employment, and residing with her two adult children, at the outset of the parties' tenancy agreement in March 2025. She stated that Mr Brown is not aware of Ms Smith having any health conditions, has not received any communications from her since November 2025, and has been given no reason by her for her non-payment of rent since August 2025. Miss Wooley also asked the Tribunal to grant an eviction order.

Findings in Fact and Law and Reasons for Decisions

4. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy ("PRT") if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (12) to the 2016 Act provides that it is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.
6. Section 71 of the 2016 Act provides as follows:

In relation to civil proceedings arising from a private residential tenancy-

(a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),

(b) a sheriff does not have competence or jurisdiction.

(2) For the purposes of subsection (1), civil proceedings are any proceedings other than-

(a) the prosecution of a criminal offence,

(b) any proceedings related to such a prosecution.

7. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order and order for payment of unpaid rent against a tenant (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.

8. Having considered all of the Applications papers and the oral submission of Miss Wooley, the Tribunal find in fact that the Applicant, Mr Brown, through his Representative, has provided the Tribunal, in the Application for an eviction order, with copies of the parties' PRT, the Notice to Leave ("NTL") served on Ms Smith and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice which was intimated to Glasgow City Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (12) in the 2016 Act. The Tribunal further finds in fact that when the NTL was served on Ms Smith, on 10th December 2025, she had been in rent arrears for three consecutive months, and that when both Applications were lodged with the Tribunal's office, on 23rd January 2026, Ms Smith was in rent arrears of £5975.00. Ms Smith is currently in rent arrears in the sum of £14,340.00.
9. In making its findings in fact the Tribunal relied on the documentation within the Applications and on the oral submission of Miss Wooley, the terms of which were consistent with the terms of the relevant documentation.
10. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submissions from the Respondent, Ms Smith. The papers in respect of both Applications had been served effectively on her on 8th July 2026. She is aware of the important nature of the Applications but has not lodged any representations regarding their merits and the reasonableness of the grant of the orders sought. The Tribunal's office has not received any communications from Ms Smith or any representatives or advisers acting on her behalf.
11. Accordingly, the Tribunal find in law that the ground in Schedule 3 (12) (1) of the 2016 Act is met as the Respondent, Ms Smith, has been in rent arrears for three or more consecutive months and that it is reasonable that an eviction order be granted. The Tribunal also find in law that Ms Smith is obliged to pay rent to the Applicant, Mr Brown, in terms of the parties PRT, and, having not done so consistently, was in rent arrears in the sum of £13,145.00 when Miss Wooley submitted an updated Rent Statement to the Tribunal's office on 27th July 2026. The Tribunal therefore also find in law that the Applicant, Mr Brown, is entitled to an order for the Respondent Ms Smith's payment to him of the sum of £13,145.00. In the Application for the payment order Mr Brown sought interest. The Tribunal have also decided that it is reasonable to apply interest at the rate of 4% per annum, to the sum ordered, of £13,145.00, from the date of this decision until payment is made.

Decisions

12. Therefore, the Tribunal makes an order for eviction of the Respondent, Ms Kelly Smith, from the Property at 110 Harefield Drive, Glasgow, G14 9AJ and, also, an order for payment to the Applicant, Mr Brown, by the Respondent, Ms Smith, of the sum of £13,145.00 with interest at the rate of 4% per annum from the date of this decision until payment is made.

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 McWilliams
Tribunal Legal Member**

11th August 2026