



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/26/0412

Re: Property at 0/1, 105 Main Street, Bridgeton, Glasgow, G40 1QD (“the Property”)

Parties:

Mr David Shedden, 35 Main Street, Blackridge, Bathgate, West Lothian, EH48 3RJ (“the Applicant”)

Miss Rebecca Gabriela Constantin, 0/1, 105 Main Street, Bridgeton, Glasgow, G40 1QD (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession should be granted in favour of the Applicant against the Respondent.

1. An application was received on 27 January 2026 from the Applicant under Rule 109 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”) seeking recovery of the property under Ground 12 (rent arrears) as set out in Schedule 3 of the 2016 Act.
2. Attached to the application form were:
 - (i) Copy tenancy agreement relating to the property between the parties, which commenced on 15 July 2018.

- (ii) Copy Notice to Leave dated 3 December 2025 citing ground 12, and stating the date before which proceedings could not be raised to be 7 January 2026.
 - (iii) Signed statement by the Applicant and Mr Kevin Forrest dated 26 January 2026 regarding delivery of the Notice to Leave.
 - (iv) "Record of rent payments" showing the rent arrears due as at 31 December 2026 to be £12620.
3. Further to a request from the tribunal administration, further information was received from the Applicant on 23 February 2026. This included a rent statement, a section 11 notice to Glasgow City Council, together with covering email dated 23 February 2026, and a land certificate in respect of the property.
 4. Notice of the case management discussion (CMD) scheduled for 25 August 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the tribunal on 23 July 2026. The Respondent was invited to submit written representations by 12 August 2026.
 5. The application was accepted on 24 March 2026.
 6. The Tribunal issued a direction to the Applicant on 5 August 2026 directing him to provide further information. No response was received prior to the CMD.
 7. No written representations were received from the Respondent prior to the CMD.

The case management discussion

8. A CMD was held by teleconference call on 25 August 2026 to consider both the present application and the accompanying civil proceedings application (reference: FTS/HPC/CV/26/3025). The Applicant was present on the call and was accompanied by Mr Kevin Forrest as a supporter. There were also two observers on the teleconference call.
9. The Respondent was not present or represented on the call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.
10. The Tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. The tribunal therefore proceeded with the CMD in the absence of the Respondent.

Preliminary issues

11. The Tribunal considered three preliminary issues at the start of the CMD.
12. Firstly, there was some doubt over the ownership of the property. The Tribunal had been unable to obtain a title deed showing the property address from the Registers of Scotland. They had obtained a title deed in the Applicant's name for the properties at 103 and 105 Main Street, Bridgeton, Glasgow. These were described as ground floor shop properties. The Applicant confirmed that he had bought these properties and having obtained planning permission, had converted them into two flats, of which the property was one.
13. Secondly, the Tribunal noted that the tenancy agreement which had been provided by the Applicant was very short, running to less than one page. The copy produced had been signed by the Applicant, but not by the Respondent. The Applicant had been asked during the sift stage to produce a copy signed by the Respondent, but said that he had been unable to locate a signed copy. The Tribunal had asked in its direction of 6 August for further information about this, but nothing had been submitted by the Applicant.
14. The Applicant said that the Respondent and another tenant had initially moved into the property together, and had a joint tenancy agreement. The Respondent had later told him that the other tenant had moved out and he had produced a very brief new tenancy agreement which commenced on 15 July 2018. He confirmed that he did not have a copy signed by the Respondent.
15. Thirdly, the Tribunal noted that the Notice to Leave appeared to have been served by personal delivery. The Applicant had produced a signed statement confirming that he had attempted to serve a Notice to Leave on the Respondent by recorded delivery on 20 October 2025 but that Royal Mail had been unable to deliver it. He had produced a certificate of posting to evidence this. In the statement, he said that he had then hand delivered a new Notice to Leave by posting it through the letterbox of the property on 3 December 2025, as witnessed by Mr Kevin Forrest. Mr Forrest had also signed the statement to confirm this.
16. The Applicant confirmed that he had hand delivered the Notice on that date, but said that he had not taken any photographs. He said he had been advised by the police to take a witness with him to the property and had therefore done so.
17. The Tribunal noted that the Applicant had not used the standard model private residential tenancy agreement. While the agreement provided had not been signed by the Respondent, the Tribunal found that there was a private residential tenancy in place between the parties, in terms of section 1 of the 2016 Act. With regard to the Notice to Leave, the Tribunal found the Applicant's

evidence to be credible and, in the absence of any opposition by the Respondent, determined that the Applicant had validly served the Notice by personal delivery.

Submissions by the Applicant

18. The Applicant asked the Tribunal to grant an eviction order in his favour against the Respondent on ground 12. The Respondent owed significant rent arrears, which amounted to £17220 as at the date of the CMD. She has been in rent arrears since 15 February 2023 and has paid no rent since 15 August 2024.
19. The Applicant also rents out the neighbouring flat, as well as two other rental properties which are owned by his family. There is no mortgage over the property. He is retired and the lack of rent being received from the property is having a financial impact on him. He has found the whole situation very stressful and just wants to get the property back. The situation has had an impact on his health and wellbeing to the extent that he no longer goes out. He has found the process difficult to deal with and would have been unable to submit the application without Mr Forrest's help.
20. Regarding the Respondent's circumstances, he knows little about these. So far as he is aware, she lives in the property alone. He believes that she is in employment and is unaware of her ever having been in receipt of benefits. He has not been back to the property since he delivered the Notice to Leave because he is worried about how the tenant might behave towards him.
21. He appeared to be unaware of the pre-action protocol, and confirmed that he had sent nothing in writing to the Respondent regarding her arrears. She does not use email. He had sent her text messages about the arrears, but had changed his phone and no longer had these. He had also spoken to her on the telephone about the arrears, but she kept changing her telephone number. He had gone to the property once to try to speak to her about the arrears, but she had reacted badly and started screaming at him.

Findings in fact

22. The Tribunal made the following findings in fact:

- The Applicant is the owner and registered landlord of the property.
- There is a private residential tenancy in place between the parties, which commenced on 15 July 2018.
- The rent payable under the tenancy agreement is £575 per calendar month, payable in advance on the 15th of each month.

- The Notice to Leave was validly served on the Respondent by personal service on 3 December 2025.
- The Applicant sent a valid notice to Glasgow City Council under section 11 of the Homelessness etc. (Scotland) Act 2003 on 23 February 2026.
- The Respondent had been in rent arrears for more than three consecutive months as at both the date of service of the Notice to Leave and as at the date of the CMD.
- The Applicant has not complied with the pre-action protocol.
- The Respondent's being in arrears of rent over the period in question is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
- The Applicant owed the Respondent at least £16070 in rent arrears as at the date of the CMD.

Reasons for decision

23. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties.
24. The Tribunal considered whether Ground 12 (rent arrears) had been met. Ground 12 states:

Rent arrears

12(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 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—

(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.

25. The Tribunal noted that the updated rent statement provided by the Applicant in connection with the civil proceedings application showed that, as at 30 June 2026, the Respondent had been in rent arrears since 15 February 2023. The Applicant had confirmed that the Respondent had paid nothing further since that time. No written representations had been received from the Respondent to indicate that she disputed this. The tribunal therefore found that Ground 12 had been met.

Reasonableness

26. The Tribunal then considered whether it was reasonable to issue an eviction order in all the circumstances of the case. In doing so, it took into account all of the evidence before it.
27. The Tribunal noted that the Applicant had not complied with the pre-action protocol prior to making the application. He was unable to produce any written communication at all with the Respondent regarding her rent arrears.
28. The tribunal was satisfied on the basis of the available information that there was no indication that the arrears were wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
32. The Tribunal noted that the Applicant is retired and is reliant on his rental income. The Respondent's failure to maintain regular rent payments is having a detrimental impact on both his financial situation and his health and wellbeing.
33. The Respondent has significant rent arrears. She has a legal obligation to pay the monthly rent as set out in the tenancy agreement, and has failed to do so for some time. She has been in rent arears for around three and a half years, and has paid no rent for around two years.
32. The Tribunal had little information about the Respondent's circumstances, in the absence of any written representations from her or any attendance at the CMD. She appears to live in the property alone and to be in employment. She has not opposed the application.
34. The Tribunal noted that the Applicant had failed to comply with the pre-action protocol set out in regulation 4 of the [Rent Arrears Pre-Action Requirements \(Coronavirus\) \(Scotland\) Regulations 2020](#). While this was less than ideal, the

Tribunal found the Applicant to be credible in his evidence that he had contacted the Respondent regarding her arrears by phone, text message and in person.

35. The Tribunal gave substantial weight to the significant rent arrears owed by the Respondent. It also noted that the Respondent had not opposed the application.

33. The Tribunal decided that in light of all the above considerations, and in accordance with the overriding objective, it was reasonable in all the circumstances to grant an order for eviction in favour of the Applicant against the Respondent.

Decision

The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of possession of the property. The order will take effect on 25 September 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.

Sarah O'Neill

Sarah O'Neill

25 August 2026

Legal Member/Chair

Date