

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) under Section 51 of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/26/1346

Re: Property at 0/1, 50 Galloway Street, Glasgow, G21 3SX (“the Property”)

Parties:

**Mr Griff Gurley, Mrs Lea Gurley, 29 Old Bar Road, Nairn, Highland, IV12 5BX
 (“the Applicant”)**

**Mr Patrick Carlin, Miss Charlene Carlin, 0/1, 50 Galloway Street, Glasgow, G21
 3SX (“the Respondent”)**

Tribunal Members:

Julie McKinlay (Legal Member) and Greig Adams (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
 Tribunal”) determined that the order for eviction should be granted.**

Background

1. On 23 March 2026 the Applicant made an application to the Tribunal in terms of section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant sought the eviction of the Respondent in terms of section 51 under ground 12 of schedule 3 to the 2016 Act., that the tenant has been in arrears of rent for three or more consecutive months.
3. The application was accepted for determination by the Tribunal on 28 April 2026.
4. A Case Management Discussion (CMD) was fixed for 10 August 2026 at 2pm and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

5. The Applicant attended the CMD. Ms Charlene Carlin attended the CMD. Her cousin Ashleigh McNally also attended as her representative. Patrick Carlin did not attend the CMD. The application and accompanying papers, as well as details of the CMD, had been served on Patrick Carlin by Sheriff Officers on 8 July 2026. The Tribunal was advised that Charlene Carlin, who is Patrick Carlin's mother, has not had contact with him recently and does not represent him in these proceedings. The Applicant advised that their last contact with Patrick Carlin had been by WhatsApp on 17 July 2026 in which he had asked to be removed from the lease. The Tribunal was satisfied that he had received reasonable notice of the CMD in accordance with Rule 24. In the circumstances the Tribunal decided to proceed in his absence.
6. The Respondent advised the Tribunal that she was opposed to the granting of the order for eviction. The Respondent's family are involved to support her and have made contact with the Applicant to explain her situation.
7. The Applicant wishes to proceed to obtain an order for eviction. The Applicant told the Tribunal that the Applicant had sought to make contact with the Respondent on numerous occasions and been ignored. A pre-planned visit to the Property did not take place as they could not gain access. They have found this situation stressful. They have two other rental properties in Glasgow. The Applicant have owned the property since 2018, and the Respondent is their second tenant. There is a mortgage over the Property. The Respondent has been in occupation since 12 September 2025.
8. The Respondent's representative explained that for many years the Respondent lived with and cared for her mother in her mother's council tenancy. When her mother died the Respondent had to find her own accommodation. The Respondent's mental health is poor and has become worse since the death of her mother. She now has additional support from community mental health and a new GP. There was a delay in benefits being sorted out and the Respondent fell into arrears. The Applicant applied to receive the Universal Credit directly in respect of the rent and this was agreed by the Respondent.
9. It was a matter of agreement between the parties that the rent of £850 per month was now being paid directly to the Applicant from Universal Credit together with an additional payment of £42.49 per month towards the arrears of rent. The current arrears are £2242.51. A previous payment arrangement had been offered by the Applicant to pay the arrears at the rate of £100 per week from 9 March 2026. This arrangement was not adhered to. The Respondent's representative acknowledged that the Respondent had made that offer but there were no circumstances in which the Respondent could afford to make these payments.
10. The Respondent acknowledged that when situations are difficult, she does not know how to deal with them and tends to ignore them.

11. There was no dispute that the Respondent had been in arrears of rent for a consecutive period of three or more months.
12. The Respondent has not made any efforts to look for alternative accommodation. She would welcome an extension of the time for implementation of any order made in the event that the order for eviction was granted. The Applicant was not opposed to that extension.

Findings in Fact

13. The Applicant is the registered proprietor of the property.
14. The Applicant is the landlord of the property and the Respondent the tenant by virtue of the private residential tenancy entered into on 12 September 2025.
15. Rent is payable in terms of the tenancy at the rate of £850 per calendar month.
16. The Respondent failed to make payment of the rent due on 12 November 2025, 12 January 2026 and 12 February 2026. The Respondent has been in arrears since 12 November 2025.
17. On 13 February 2026 the Applicant served upon the Respondent a Notice to Leave as required by the Act. The notice informed the respondent that the Applicant wished to recover possession using the provisions of the Act.
18. As at the date of service of the notice to leave the Respondent had been in arrears of rent for three or more consecutive months.
19. A notice was served on Glasgow City Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003 on 26 February 2026.
20. The Respondent was given at least 28 days' notice that the Applicant sought possession of the Property.
21. On 23 January 2026 and 23 November 2025, the Applicant wrote to the Respondent in respect of the rent arrears in which letter the Respondent was advised of sources of support.
22. As at the date of the CMD the arrears of rent are £2242.51
23. The Respondent continues to reside in the property.
24. The Respondent is currently paying the rent of £850 per month together with £42.49 per month towards the arrears. These payments are made directly from Universal Credit to the Applicant.
25. The Respondent is opposed the application for eviction.

Reasons for Decision

26. The order for eviction is sought in the application in terms of section 51 and paragraph 12 of schedule 13 to the 2016 Act. The Tribunal is satisfied that for three or more consecutive months the Respondent has been in arrears of rent.
27. The Tribunal is also satisfied that it is reasonable to grant the order for eviction. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
28. The Respondent is opposed to the application for eviction. It was understood by the Applicant and by the Tribunal that the Respondent has experienced some difficulties which have made management of the tenancy difficult. However, the Applicant have made numerous attempts to make contact with the Respondent with a view to addressing the arrears issue and gaining access to the Property. The Respondent accepts that such efforts have been ignored. While the rent is currently being paid it will take a period of four years for the arrears to be fully paid. In that time the Applicant has a mortgage payment to meet on the Property. The Respondent has no dependents and the support of family members to assist her in seeking alternative accommodation. In addition, the information before the Tribunal suggests that Patrick Carlin no longer wishes to be a joint tenant with Ms Carlin. Their relationship has broken down, and the eviction will allow Ms Carlin to seek accommodation as a sole tenant. It is accordingly reasonable to grant the eviction order.
29. At the request of the Respondent the Tribunal consider that it is reasonable to delay the date on which the order for eviction may take effect. This will give time for the Respondent to look for alternative accommodation and make contact with the local authority. The Applicant is not opposed to such an extension and there is limited prejudice given that the rent is currently being paid and an amount being paid towards the arrears by Universal Credit direct to the Applicant. The order for eviction will not come into effect for a period of 60 days.

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.

Julie McKinlay

10th August 2026

Legal Member/Chair

Date