



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules') in relation to an application for eviction/ possession of a Rented Property in terms of Rule 109 of the Procedure Rules.

Chamber Ref: FTS/HPC/EV/25/4271

Re: 24 Kelhead Place, Glasgow, G52 4AB ('the Property')

Parties:

B & D UK Properties Ltd, 4th Floor Gordon Chambers, 90 Mitchell Street, Glasgow, G1 3NQ ('the Landlords and Applicant')

Mrs Jenna Perrigo, Gallus Sales & Lettings, 1496 Paisley Road West, Glasgow, G52 1SP ('the Applicant's Representative')

Donna Russell, 24 Kelhead Place, Glasgow, G52 4AB ('the Tenant and Respondent')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal')

Tribunal Members: Jacqui Taylor (Legal Member) and Elaine Munroe (Ordinary Member)

1. Background

1.1. The Applicant submitted an application to the Tribunal for eviction/ possession of the Rented Property under section 51(1) of the Private Housing Tenancies (Scotland) Act 2016, in terms of Rule 109 of the Procedure Rules.

1.2 The application was dated 2nd October 2025. The application stated that the ground for eviction was as follows:

'The Landlord is looking to obtain an eviction order based on ground 12. The tenant has accrued substantial arrears over the tenancy with many failed payment plans. The landlord cannot sustain this any longer.'

1.3 Documents lodged with the Tribunal were:-

- Private Residential Tenancy Agreement between the parties dated 6th January 2021.

- A rent statement for the period 6th December 2020 to 7th November 2025 showing rent arrears of £3244.51.
- Notice to Leave dated 25th August 2025 advising the Respondent that an application for an eviction order on the ground that there has been rent arrears over three consecutive months will not be submitted to the Tribunal before 25th September 2025.
- Email from the Applicant's Representative to the Respondent dated 25th August 2025 with notice to leave attached.
- Section 11 Notice addressed to Glasgow City Council.
- Email to Glasgow City Council dated 30th September 2025 attaching the section 11 Notice.
- A copy of the Pre action letter sent to the Respondent dated 26th May 2025, 8th July 2025, 7th August 2025, 22nd August 2025.
- Mandate from the Applicant to the Applicant's Representative dated 24th September 2025 authorising them to act for them in connection with the eviction application.

2. By Notice of Acceptance by Ruth O'Hare, Convener of the Tribunal, dated 26th November 2025 she intimated that she had decided to refer the application (which application paperwork comprises documents received between 2nd October 2025 and 7th November 2025) to a Tribunal.

3. Direction.

The Tribunal issued a Direction to the Applicant's Representative dated 11th May 2026 in the following terms:

'The Applicant's Representative has made an application to the Tribunal dated 2nd October 2025. The application is for an eviction/ possession of the Rented Property under section 51(1) of the Private Housing Tenancies (Scotland) Act 2016, in terms of Rule 109 of the Procedure Rules.

*The Application form states that the Applicant is **B & D Properties UK Ltd, 4th Floor Gordon Chambers, 90 Mitchell Street, Glasgow, G1 3NQ.***

The Registered Landlord is B & D UK Properties Ltd.

The Tenancy agreement states that the Landlord is B & D UK Properties Limited.

Section B of the Land Certificate for the Property (GLA179747) states that the heritable proprietor is B & D UK Properties Limited (Company Number SC604915) and having its registered office at 6th Floor Gordon Chambers, 90 Mitchell Street, Glasgow.

The Applicant or the Applicant's Representative is directed to provide the Tribunal with an explanation for the discrepancy at the forthcoming Case Management Discussion on 27th May 2026.

If an amendment to the application is required it should be made in terms of Tribunal Procedure Rule 14A which requires that a request to amend the application is made by intimating the amendment to the Respondent and the Tribunal at least 14 days prior to a case management discussion.'

4. Direction Response.

The Applicant's Representative sent the Tribunal an email dated 19th May 2026 and provided the Tribunal with a copy of the certificate of incorporation for the company B & D UK Properties Ltd but made no application to amend the name of the Applicant.

5. Case Management Discussion

This case called for a conference call Case management Discussion (CMD) at 10.00 am on 27th May 2026.

Jenna Perrigo, the Applicant's Representative, and the Respondent attended the CMD.

5.1 Oral Representations by the Applicant's Representative at the CMD.

5.1.1 She acknowledged that she had not sent the Tribunal an application to correct the error to the name of the Applicant. She will send the application to the Tribunal shortly.

5.1.2 The current rent arrears amount to £2264.44. She will send the Tribunal an up to date rent statement.

5.2 Oral Representations by the Respondent at the CMD.

5.2.1 She acknowledged that she had missed some rent payments.

5.2.2 She is in receipt of Universal credit and remits the Universal credit payments to the landlords. She is paying contributions to the rent arrears at the rate of £40 per month.

5.3 Outcome of the CMD.

The Tribunal determined that the application should proceed to a hearing.

At least 14 days before the Hearing the Applicant's Representative should send an application to the Tribunal to correct the error in the name of the Applicant. They should also provide an up to date rent statement.

At the hearing the Tribunal will determine if the grounds of eviction have been established and if it is reasonable for the Tribunal to grant the Order for Possession. The details of the hearing will be provided separately.

6. The Applicant's Written Representations and Productions.

The Applicants' Representative sent the Tribunal written representations dated 27th May 2026.

6.1 They included an amended application correcting the designation of the applicant which was stated to be B & D UK Properties Ltd.

6.2 The produced a rent statement for the period 11th February 2025 to 7th May 2025 which showed rent arrears of £2264.44.

7. The hearing.

This case called for a conference call Hearing at 14.00 on 14th October 2026.

Jenna Perrigo, the Applicant's Representative attended. The Respondent did not attend and was not represented.

The Respondent had been sent with a letter advising her of the CMD by recorded delivery post which she signed for on 25th August 2026. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the hearing.

7.1 Ms Perrigo advised the Tribunal as follows:

7.1.1 The rent arrears currently amount to £5764.44. The Tenant stopped paying the rent on 7th May 2026.

7.1.2 The rent specified in the tenancy agreement is £625 per month. The rent increased to £700 per month in July 2025. Gallus Sales and Lettings took over the management of the tenancy in July 2025 and the rent increase took place before they took over the management of the tenancy.

7.1.3 The Tenant had been in receipt of benefits before May 2026. She had no current details of the Tenant's benefits position.

7.1.4 The Tenant sent the Letting Agent an email dated 24th September 2026 which stated that she would be moving out on 18th October 2026. The Tenant sent a further email dated 12th October 2026 which stated that she cannot move into the new property until mid November but she would still attend the Tribunal. The email did not explain why the Tenant had stopped paying the rent.

7.1.5 She considered it was reasonable for the eviction to be granted. The Tenant has a history of rent arrears and a previous eviction application had been made in 2022/23 which was subsequently withdrawn when the rent arrears were paid.

7.1.6 The rent arrears are now over £5000, which is a sizeable sum and it is reasonable for the eviction to be granted.

8. Decision

8.1. Requirements of Section 109 of the Procedure Rules.

8.1.1 The Tribunal confirmed that the application correctly detailed the requirements of section 109(a) of the Procedure Rules namely:-

- (i) the name, address and registration number of the Landlords.
- (ii) the name and address of the Landlords' representative.
- (iii) the name and address of the Tenant.
- (iv) the ground of eviction. The ground stated in the application is that the Tenant is in rent arrears over three consecutive months.

The Tribunal accepted that this is Ground 12 of Schedule 3 of the 2016 Act.

7.1.2 The Tribunal confirmed that the application complied with the requirements of Section 109(b) of the Procedure Rules:

- (i) evidence showing that the eviction ground or grounds had been met.

The required rent statements have been provided showing rent arrears over three consecutive months.

(ii) a copy of the notice to leave given to the Tenant as required by section 52(3) of the 2016 Act.

The Tribunal confirmed that the Notice to Leave was in correct form as set out in Schedule 5 of the Private Residential Tenancies Notices and Forms (Scotland) Regulations 2017.

The Notice to Leave was dated 25th August 2025 and advised the Tenant that the Applicant intends to apply to the Tribunal for an eviction order in respect of the property on the basis of Ground 12 (The Tenant is in rent arrears over three consecutive months). It also advised that an application would not be submitted to the Tribunal for an eviction order before 25th September 2025.

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The Tenancy commenced on 6th January 2021. As at (the date of the Notice to Leave 25th August 2025) the Tenant had resided in the property for more than six months.

The application for eviction was based on Ground 12 of Schedule 1 of the 2016 Act and therefore twenty eight days notice was required.

The Landlords served the Notice to Leave on the Tenant on 25th August 2025 by email and correctly gave the Tenant a minimum of twenty eight days notice.

(iii) a copy of the notice given to the local authority as required by Section 56(1) of the 2016 Act.

The Tribunal confirmed that a copy of the required notice had been provided.

7.1.3 The Tribunal confirmed that the application form had been correctly signed and dated by the Landlords' representatives as required by Section 109(c) of the Procedure Rules.

7.2 The Tribunal made the following findings in fact:

7.2.1 The Respondent is Tenant of the Property in terms of the lease between the parties.

7.2.2 The start date of the Tenancy detailed in the lease was 6th January 2021.

7.2.3 Applicants are Landlords of the Property. The Tribunal had a copy of the Applicants' title deeds being Land Certificate GLA179747. They are entitled to sell the Property.

7.2.4 The lease is a Private Residential Tenancy in terms of the Private Housing Tenancies (Scotland) Act 2016 ('The 2016 Act').

7.2.5 The rent detailed in the tenancy agreement was £625 per calendar month, payable in advance. The rent had been increased to £700 per calendar month in July 2025.

7.2.6 The Notice to Leave was dated 25th August 2025 and it was served on the Respondent by email on 25th September 2026.

7.2.7 The Notice to Leave stated that the Respondent was in rent arrears over three consecutive months, which is Ground 12 of Schedule 3 of the Private Housing (Tenancies) Scotland Act 2016.

7.2.8 The rent account has been in arrears since January 2021. The tenant has been in rent arrears for more than three consecutive months.

7.2.10 The Applicant had sent the Respondent pre action letters dated 26th May 2025, 8th July 2025, 7th August 2025 and 22nd August 2025.

7.3 In relation to the requirements of Ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal found as follows:

7.3.1. The Tribunal determined that the Respondent had been in arrears of rent for three or more months at the date of the Notice to Leave, the date of the Application to the Tribunal and at today's date.

7.3.2 The Tribunal found that on the balance of probabilities as no rent payments have been made since May 2026 and the Tenant has not provided the Landlord with any explanation as to why the payments had stopped the rent arrears were not due to a delay or failure in payment of a relevant benefit.

7.3.3 The Tribunal found that it was reasonable for the eviction order to be granted for the following reasons:

7.3.3.1 The considerable amount of the rent arrears owing.

7.3.3.2 The fact that the Applicants had issued preactions letter to the Respondent.

7.3.3.3 The fact that the Respondent did not have any proposals to make in relation to the rent arrears.

7.3.3.4 The fact that the Respondent had advised that she was moving out of the Property and she has alternative accommodation.

7.4 The Tribunal found in law that the ground 12 in Schedule 3 of the 2016 Act was met.

7.5 The Tribunal granted the eviction but determined that the Order should not to be executed prior to 12 noon on 16th November 2026.

8. 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.

Jacqui Taylor

Legal Member

14th October 2026