

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(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/26/0368

Re: Property at 55 Cartside Street, 2/R, Glasgow, G42 9TL (“the Property”)

Parties:

**H&V Properties Glasgow Limited, Ground Floor (Part) Unit 8000, Academy
Business Park, 51 Gower Street, Glasgow, G51 1PR (“the Applicant”)**

**Mr Lewis McAllister, 55 Cartside Street, 2/R, Glasgow, G42 9TL (“the
Respondent”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 12. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 4th August 2025 at a monthly rent of £570, a notice to leave with evidence of service, a section 11 notice with evidence of service, pre-action correspondence, and a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 24th July 2026..
3. By email dated 10th August 2026, the Applicant representative lodged an updated rent statement showing arrears in the sum of £5800.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 26th August 2026. Ms McAinsh, Letting Agent, was in attendance on behalf

of the Applicant. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to attend.

5. The Tribunal considered the terms of Rule 29 of the Procedural Rules. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Ms McAinsh said the Respondent has not made contact since December 2025. There has been no rent paid for 10 months. The Applicant is a property company. The Letting Agent manages around 50 properties belonging to the Applicant, who also has commercial properties. The residential properties are let at a reasonable rent. The Applicant is facing increased costs for their business and cannot continue to let a property with no rental income. The Respondent has been offered a payment plan, which he accepted, but no payment was made.
7. Responding to questions from the Tribunal, Ms McAinsh said the Respondent was in employment at the start of the tenancy. The Respondent is believed to live alone with no dependents. There are no known social or health issues of which the Tribunal should be aware. No reason is known for the failure to pay rent or address the arrears. Pre-action correspondence signposting the Respondent to benefits and sources of advice was issued by the Letting Agent but no response was received.
8. Ms McAinsh confirmed that the outstanding balance should be £5700 as a balance of £100 in respect of the tenancy deposit had been inadvertently included within the rent statement.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 4th August 2025 at a monthly rent of £570.
 - (ii) The Applicant has served a Notice to Leave upon the Respondent.
 - (iii) The Respondent has accrued rent arrears.
 - (iv) The Respondent has been in rent arrears for three or more consecutive months.
 - (v) The Respondent being in rent arrears is not as a result of a delay or failure in the payment of a relevant benefit.
 - (vi) The Applicant has complied with the pre-action protocol.

- (vii) It is reasonable to grant an eviction order.

Reasons for Decision

10. Ground 12 of Schedule 3 of the Act provides that it is an eviction ground if the tenant has been in rent arrears for three or more consecutive months. The Tribunal may find that this applies if for three or more consecutive months the tenant has been in rent arrears and the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order. The Tribunal is satisfied that Ground 12 has been established.
11. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider whether the tenant's being in arrears of rent over that period is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. There was no evidence before the Tribunal that the Respondent was in rent arrears as a result of a delay or failure in the payment of a relevant benefit.
12. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations. The Tribunal was satisfied on the evidence before it that the Applicant representative has complied with the pre-action protocol by sending the necessary correspondence to the Respondent.
13. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
14. The Respondent has not paid rent for 10 months. The arrears are now substantial and rising. The Respondent did not see fit to attend the CMD or make any representations to assist the Tribunal in considering reasonableness. The Tribunal was unable to assess the likely effect of an eviction order upon the Respondent in the absence of any representations. The Respondent has disengaged and is making no effort to pay the rent or address the arrears. He has failed to address the arrears over a lengthy period despite the efforts of the Letting Agent. The Tribunal considered it likely that, if no order was granted, the arrears would continue to rise. The Tribunal considered the tenancy is not sustainable.
15. The Tribunal took into account the information provided regarding the Applicant's circumstances. The Tribunal considered the Applicant is suffering financially as a result of the Respondent's failure to pay the rent and address the arrears. The Applicant is entitled to expect rent to be paid for their properties.
16. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It

was incumbent upon the Respondent to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondent failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

17. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 30th 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.

H Forbes

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Legal Member/Chair

26th August 2026
Date