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 Sections 51 (1) and 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/4832 and FTS/HPC/EV/25/4831

Re: Property at Flat 10, 700 Hillpark Drive, Glasgow, G43 2PU ("the Property")

Parties:

BR Homes Ltd, H & R Energy Solutions Ltd, 3, Unit 4, Siding Lane, Glasgow, G5 0DZ ("the Applicant")

Mr David Alexander Morgan, 700, Flat 10, Hillpark Drive, Glasgow, G43 2PU ("the Respondent")

Tribunal Member:

Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order. The Tribunal also made a Payment Order in favour of the Applicant against the Respondent in the sum of £19,500.00 with interest running on that sum at the rate of 4.25 per cent per year from today's date until payment.

Introduction and Background

[2] The Applicant seeks an Eviction Order under Ground 12 and a payment order in the in respect of rent arrears said to have been accrued by the Respondent under a tenancy between the parties. The rent arrears founded upon are in the sum of £19,500.00.

[3] The Application called for a Case Management Discussion ("CMD") by conference call at 10am on 3 June 2026. The Applicant was represented by Ms Ramzan, solicitor. The Respondent was personally present.

[4] The Respondent denied that he had failed to make any payments of rent throughout the entire duration of his tenancy. He admitted he had not paid rent for perhaps 6 months, but claimed that this was on account of wide ranging repairing issues which needed addressed in the Property. He also claimed to have made certain cash payments to a business address and specifically made reference to having receipts for these payments. The Respondent also wished an opportunity to take legal advice.

[5] The Tribunal decided that it would continue the Applications to a Hearing in person.

[6] The Respondent was directed to set out in writing his specific defence to the Application. He was ordered to produce the receipts referred to and any other evidence of payment. It was ordered that the defence should also provide detail of what payments were made, when and how they were made, what the specific repairing issues founded upon are and how these might result in any legitimate defence of rent abatement. This was to be produced within two months. The Applicant lodged further submissions confirming the continued non-payment of rent and attaching screenshots demonstrating the repeated failure of the Respondent to engage with the Applicant regarding access.

[7] However nothing further was heard or received from the Respondent.

The Hearing

[8] The Application then called for a Hearing at 10 am on 5 November 2026 in Glasgow Tribunals Centre. Ms Ramzan appeared again for the Applicant. There was no appearance by or on behalf of the Respondent. The Respondent had received competent notification of the details of the Hearing. The Tribunal therefore proceeded in the absence of the Respondent. Ms Ramzan explained that the Respondent had not made any rental payments since the CMD whatsoever and had refused to allow the Applicant access to the Property.

[9] Having considered matters, the Tribunal made the following findings in fact.

Findings in Fact

1. *The Applicant let the Property to the Respondent by virtue of a Private Residential tenancy within the meaning of the Act;*

2. *The Respondent fell into rent arrears and the sum of at least £19,500.00 remains due as rent but unpaid.*

3. *The Applicant has made efforts to negotiate a payment plan and has signposted the Respondent to sources of financial support;*

4. *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established today.*

5. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*

6. *The Respondent has failed adequately to engage with the Tribunal process in that they did not comply with the Direction made to submit their position in writing in advance of the Hearing;*

7. *There appears no prospect of the Respondent paying any rent or making good on any assurances to pay;*

Reasons for Decision

[10] Having made the above findings in fact, the Tribunal considered that the ground set out in the Notice to Leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order. The Tribunal also made a Payment Order in favour of the Applicant against the Respondent in the sum of £19,500.00 with interest running on that sum at the rate of 4.25 per cent per year from today's date until payment.

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.

Andrew McLaughlin

_____ **5 November 2026**

Legal Member **Date**