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/26/1835**

**Re: Property at 234 Allison Street, Flat 3-1, Glasgow, G42 8RT ("the Property")**

**Parties:**

**Mr Arman Yasin, 123 Menoch Road, Glasgow, G44 5SD ("the Applicant")**

**Mrs Claudia Rostas, 234 Allison Street, Flat 3-1, Glasgow, G42 8RT ("the Respondent")**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

**Background**

1. On 24th April 2026 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 ("The Rules"), seeking an order to evict the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.

2. Lodged with the application were: -

i. Copy Private Residential Tenancy Agreement showing a commencement date of 6th July 2025 and a rent of £1200 per month;
ii. Copy Notice to Leave dated 2nd February 2026;
iii. Proof of service of the Notice to Leave;
iv. Section 11 Notice and proof of service;
v. Copy Rent Statement showing arrears of £5600 as at 6th June 2026;
vi. Pre Action Requirements emails

3. The Application was served on the Respondent by Sheriff Officers on 11th September 2026.

**Case Management Discussion**

4. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mr Bashir of GPS Glasgow. There was no attendance by the Respondent or any representative on her behalf.

5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.

6. Mr Bashir sought an order for eviction in terms of ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 21016. He said that the current rent arrears are £11,600 and that there has been no payment towards rent since March 2026.

7. Mr Bashir said that he had approached the Respondent on a number of occasions, but she had failed to engage and failed to enter in to a payment plan. He was not aware of the Respondent making any application for benefits. He was not aware of any children living in the property and it had not been adapted for any disability of the Respondent.

8. Mr Bashir said that the Applicant only had one rental property, this one, and that it was not turning out to be a good investment given the level of rent arrears.

**Findings in Fact**

a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 6th July 2025 and a rent of £1200 per month
b. A Notice To Leave, dated 2nd February 2026, was served timeously and correctly;
c. A section 11 notice was served on the local authority;
d. The Applicant complied with the Pre Action Requirements;
e. The Application was served on the Respondent by Sheriff Officer on 11th September 2026;
f. Rent arrears when the Notice to Leave was served stood at £1400;
g. Rent arrears when the application was made stood at £3200;
h. Arrears at the date of the Case Management Discussion stood at £11600.

**Reasons for Decision**

9. Ground 12 states as follows:

*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.*

*(5)For the purposes of this paragraph—*

*(a)references to a relevant benefit are to—*

*(i)a rent allowance or rent rebate under the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971),*

*(ii)a payment on account awarded under regulation 91 of those Regulations,*

*(iii)universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,*

*(iv)sums payable by virtue of section 73 of the Education (Scotland) Act 1980,*

*(b)references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.*

*(6)Regulations under sub-paragraph (4)(b) may make provision about—*

*(a)information which should be provided by a landlord to a tenant (including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy),*

*(b)steps which should be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,*

*(c)such other matters as the Scottish Ministers consider appropriate.*

10. The Tribunal is satisfied that the rent has been in arrears for three or more consecutive months. The Tribunal is satisfied that having rent arrears amounting to six months or more makes it reasonable in and of itself to grant the order. In addition, the Respondent has not engaged with the Applicant and has not engaged with the Tribunal.

**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.**

Alison Kelly

**09 November 2026**

**Legal Member/Chair** **Date**