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/25/4768

Re: Property at Flat 4/20, 220 Wallace Street, Glasgow, G5 8AH ("the Property")

Parties:

Mrs Ineela Habib, 23 Keppel Drive, Glasgow, G44 4JZ ("the Applicant")

Mr Dhanush Manchikalapudi, Ms Manasa Vusula, Flat 4/20, 220 Wallace Street, Glasgow, G5 8AH ("the Respondents")

Tribunal Members:

Ms H Forbes (Legal Member) and Mr D Godfrey (Ordinary Member)

Decision

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 made under ground 12. The Applicant's representative lodged a private residential tenancy agreement in respect of the Property which commenced on 17th December 2024 at a monthly rent of £1095, pre-action correspondence and a rent statement showing arrears in the sum of £6070.

2. On 14th May 2026, the Respondents lodged representations setting out several issues including financial hardship and employment difficulties, ongoing Employment Tribunal proceedings, health-related issues and mental distress and anxiety. The Respondents also set out issues in regard to pre-tenancy procedures, landlord registration, a Rent Penalty Notice ("RPN"), alleged unfair comments and treatment, and repairing issues.

3. A Case Management Discussion ("CMD") took place by telephone conference on 26th May 2026. The Applicant was not in attendance and was represented by her son, Mr Hyder Habib. The Respondents were in attendance.

4. Mr Habib explained that the rent arrears were now £12,535. Mr Habib said the Respondents have made many promises in the past to clear the arrears and pay the rent, but this has not happened. Mr Habib said the Applicant only lets this Property. There is no mortgage, but the Applicant receives income from the Property. There is a factoring fee to be paid. Mr Habib said there was a visit from the local authority last week, and landlord registration would be completed on the day of the CMD. Mr Habib said the Property had not been included in his mother's previous landlord registration. Mr Habib said the local authority had not mentioned a RPN. Mr Habib said repairs had been carried out. He had attended at the Property with a joiner. There were still some issues to be sorted out, but the Respondents went quiet for a time. Mr Habib said it was difficult to carry out repairs when no rent was being paid. Responding to the Tribunal, Mr Habib said he understood that a landlord has a responsibility to ensure the property meets the repairing standard throughout the tenancy.

5. The Respondent, Ms Vusula agreed the rent arrears of £12,535. Ms Vusula said she had been suffering from health issues and had lost her job. There had been a recent Employment Tribunal, at which Ms Vusula said she had been successful but expects the decision in July. She has raised more issues with the Employment Tribunal that are ongoing. Ms Vusula said the Respondents received a RPN in April. Ms Vusula said she has not taken advice on her situation. She is proposing to make payment towards the arrears and to clear them over a period of three to four months. Asked how this was achievable, Ms Vusula said she is trying to borrow from family and friends. She is also expecting a payment from the Employment Tribunal. Ms Vusula said she is unable to work as a consequence of her health problems. Ms Vusula said she has not been in contact with the local authority regarding homelessness.

6. Asked whether an eviction order would have an impact upon her health, Ms Vusula said it would. Ms Vusula is awaiting medical evidence that may confirm this. Asked why it would not be reasonable to make an eviction order Ms Vusula said she had not acted with intent. She requires more time to address the arrears and will hopefully be able to clear them. Her health difficulties would be impacted by an order. She is suffering from severe anxiety and has been dealing with a lot of things.

7. The Respondent, Mr Manchikalapudi said he lost employment two or three times last year, and is currently applying for jobs. He has only been able to make partial payment towards the rent but hopes to get a new job soon. It was his position that, between them, the Respondents can pay the monthly rent and address the arrears. They are currently getting help from friends. The Respondent said he is currently suffering from mental stress and sleep problems. He is not receiving any medical treatment. Responding to questions from the Tribunal, Mr Manchikalapudi said the Respondents are not eligible for benefits due to their visa status.

8. Mr Habib said the Respondents have made promises for a long time and have not addressed the arrears. The issue of the Employment Tribunal was also raised last year.

9. The Tribunal considered it would not be reasonable to make an eviction order due to uncertainty around the RPN, and without further information as to whether Ms Vusula's health issues would be impacted by an eviction order. The Tribunal decided to continue matters to a hearing on reasonableness, to include, but not be restricted to, issues such as:

    (i) The impact of an eviction order upon the Respondents – any available medical evidence should be lodged with the Tribunal.

    (ii) The realistic prospect of the Respondents meeting their monthly rent and addressing the arrears, with a reasonable proposal to clear the arrears within a reasonable time.

    (iii) Whether the tenancy is sustainable given the level of rent and the means of the Respondents.

    (iv) The impact of the RPN upon the level of rent arrears.

10. Mr Habib said the RPN, which he had earlier denied, would be lifted the following day as payment would be made to the local authority for landlord registration.

11. The Respondent, Ms Vusula, said she would take advice from a body such as the CAB, Shelter Scotland or a law centre, to assist in preparation for the hearing and to provide representation if possible. Ms Vusula said she was unsure whether the rent could be paid at the moment, due to the RPN. The Respondents were advised to contact the local authority for guidance as soon as possible. The Respondents were advised that the level of rent arrears is significant and they should be taking immediate steps to address payment of the monthly rent and the arrears, if they intend to argue that the tenancy is sustainable going forward.

12. The Tribunal decided to schedule a hearing to take place by telephone conference as this will assist the Applicant if they wish to be present and give evidence. The Tribunal issued a Direction to parties in the following terms:

    The Applicant is required to provide:

    1. *Evidence of landlord registration.*

    The Respondents are required to provide:

    2. *Evidence of the Rent Penalty Notice.*

    3. *Evidence that an Employment Tribunal decision has been issued.*

13. The Applicant did not comply with the Direction.

14. By email dated 16th June 2026, the Respondents lodged the RPN, which took effect on 15th April 2026, Employment Tribunal acknowledgement of claim and notification of a preliminary hearing on 6th July 2026, medical evidence of a consultation on 9th May 2025, and screenshots of telephone calls to the NHS. The Respondent, Ms Vusula, said she awaited further medical evidence.

15. By letter dated 28th August 2026, parties were notified of a hearing to take place on 4th November 2026.

16. By email dated 28th October 2026, the Respondent, Ms Vusula, lodged a request for a postponement of the hearing, due to a recent deterioration in her health, a delay in the provision of medical records, and the impending Employment Tribunal hearing. The Respondent lodged an NHS subject access request dated 2nd October 2026 and Employment Tribunal correspondence confirming a hearing date of 8th December 2026. The Respondent responded to a request from the Tribunal administration regarding the sensitive nature of the information, and requested that the documentation should not be shared with the Applicant.

17. Following some further correspondence, parties were notified on 3rd November 2026 that the postponement request had not been granted, and that the Tribunal could not take into account documentation that had not been shared with the Applicant.

18. By email received at 16:58 on the afternoon preceding the hearing, the Respondent, Ms Vusula, stated:

> *I submitted this information specifically because I am experiencing ongoing medical difficulties, significant anxiety and distress, which are seriously affecting my health and my ability to participate effectively in the hearing.*
>
> *On 29 October 2026, I expressly requested guidance on how my sensitive personal information could remain confidential while still allowing the Tribunal to consider my postponement request.*
>
> *My intention was never to prevent the Tribunal from considering my medical circumstances. I was simply seeking advice on protecting my privacy while ensuring that the information could be taken into account.*
>
> *However, I have only now been informed, on 3 November 2026, that my medical information cannot be considered because I requested confidentiality.*
>
> *Had this consequence been clearly communicated to me earlier, I would have had a fair opportunity to clarify my position and provide the*

necessary consent before the postponement decision was made.

Receiving this clarification just one day before the hearing has caused me considerable additional anxiety and distress at a time when I am already struggling with my health.

I respectfully feel that I have not had a meaningful opportunity to resolve the confidentiality issue before the Tribunal reached its decision.

For the avoidance of doubt, I now expressly consent to the relevant medical information and supporting documents previously submitted in support of my postponement request being disclosed to the Applicant, so that the Tribunal may consider them.

Given this clarification and my ongoing medical circumstances, I respectfully request that the Tribunal urgently reconsider its refusal to postpone the hearing.

I am not seeking to delay proceedings unnecessarily. My request is based on genuine medical difficulties and the impact they are having on my ability to participate fairly and effectively.

I respectfully ask the Tribunal to take into account that I raised the confidentiality issue in advance, actively sought guidance, and have now provided my consent immediately upon understanding the consequences.

If postponement is not granted, I request that the Tribunal consider whether an adjournment or other appropriate arrangements are necessary to ensure I have a fair opportunity to participate.

Given that the hearing is scheduled for 4 November 2026, I kindly request that this email be placed before the Tribunal members urgently.

Please confirm receipt of my consent and whether the medical information will now be shared with the Applicant and considered by the Tribunal.

The Hearing

19. A hearing took place by telephone conference on 4th November 2026. The Respondents were in attendance. Neither the Applicant nor their representative was initially in attendance. The start of the CMD was delayed to allow the Applicant to attend. The Tribunal Clerk made a call to the Applicant's representative, Mr Habib, who then joined the call.

20. Mr Habib explained that he thought the hearing had been postponed. Mr Habib said the Applicant would not be in attendance due to ill-health, referring to an email sent to the Tribunal on 30th October 2026. The Members had not been provided with this email, and the Tribunal Clerk was unable to find any record of its receipt. Mr Habib said he would not now be calling any witnesses. Mr Habib confirmed that he was content to proceed.

21. The Tribunal explained that it would deal with the postponement request which had been raised again by the Respondents in the email sent the previous day. Mr Habib had not had sight of the recent email or previous sensitive information.

Postponement request

22. In response to the Tribunal, Mr Habib said the rent arrears are now £16,498, taking into account a period where no rent was due as a result of the RPN. The RPN was discharged in May. No rental payments or payments towards arrears have been received since the CMD. The letting agent has continued to chase up the Respondents, but they do not engage. Mr Habib said the Applicant's livelihood has been affected. This is her only rented property, and she relies on the rental income.

23. The Respondent, Mr Manchikalapudi, said he has been unable to find employment due to problems with his visa, which he has had to change. The Respondent said friends would assist him to pay the rent. Asked why nothing had been paid following the same promise at the CMD, the Respondent said his friends' circumstances had changed, and he had been looking after the joint Respondent. The Respondent said the hearing should not proceed today because the joint Respondent was not feeling well and was experiencing anxiety and panic. The Respondent said he had been helping the joint Respondent, including by cooking for her.

24. The Respondent, Ms Vusula, said she had been told by the GP recently that she has a blood infection. She is waiting for test results. The Respondent said she asked for her medical records in September, and had tried multiple times to get more evidence. The Respondent said she was not ready to proceed with the hearing, due to bleeding issues and feeling anxiety about her employment position and uncertainty. The Respondent said she understands the Applicant is struggling and the Respondents are willing to make payment of one month's rent today. Asked why no payment had been made since the CMD, the Respondent said she thought the Employment Tribunal would have settled and she would have received a payment, but this was delayed. The Respondent said she offered a month's rent in cash to the letting agent at the last inspection, but they said they were unable to accept cash. The Respondent said she had hoped to go to the bank to pay in the cash the day before the hearing, but she had slept late, and the bank closed at 4.30 pm. The Respondent said friends have told her they will help with ongoing payments. The Respondent said she is certain there will be a payment from the Employment Tribunal which would clear the arrears,

25. Responding to the Tribunal, Ms Vusula said she has a document that shows issues with her mental health. The Respondent referred to obtaining a certificate in this regard earlier in the year, but she had not thought to lodge it with the Tribunal.

26. Mr Habib said it was the same story every time. The Respondents had promised payment at the CMD and nothing had been paid. This should not be prolonged any further. Mr Habib said the Respondents could not be trusted to make payment.

27. The Tribunal adjourned to decide whether to grant the postponement request. The Tribunal decided not to grant the postponement request, for the reasons set out below.

Reasonableness

28. Mr Habib said the Applicant has no income of her own. She is being supported by her husband and by Mr Habib. The Applicant does not want to have to ask others for money. This has affected her mental health. The Applicant is unable to travel and feels drained and down because of the situation.

29. Mr Habib said he understands the Respondents' position, but they have been given ample time and ample chances to pay. They have paid nothing in the seven months since the CMD. Mr Habib said there have been so many fake promises to pay, and he believes the position will be the same next month if no order is granted. Mr Habib said the letting agent did not tell him of any offer to pay the rent in cash.

30. The Respondent, Ms Vusula, said it would not be reasonable to grant an order as she is struggling with her health issues and is unable to find another property. The Respondent said she is willing to pay the rent today and on an ongoing basis. Responding to the Tribunal, the Respondent said she has not applied for any other properties. The Respondent said she has not spoken to the local authority, stating 'he is not eligible' to apply for social housing because of his visa status. The Respondent then stated 'we are not eligible due to visa restrictions.'

31. Responding to questions as to why she wishes to stay in the Property rather than living elsewhere, the Respondent said it is close to her GP and the Employment Tribunal. The Respondent said there are no relatives in the area. She does not have children. Asked whether she had approached friends for assistance with housing, the Respondent said that was not possible as her friends are all male and they are already living with others in crowded conditions. The Respondent said she has a student visa which states no recourse to public funds. The Respondent said she had not paid any rent or anything towards the arrears for five months because of her deteriorating health. The Respondent said she had not asked her GP for anything to show the likely impact of eviction upon her as a consequence of her ill-health.

32. The Respondent said she would be grateful if no order was granted and an opportunity given to make payment of this month's rent before consideration was given to granting an order. The Respondent said she should be allowed to stay in the Property because of her health. The Respondent said she will clear the arrears when the Employment Tribunal payment is made. Asked whether there was a guarantee of her receiving payment as a result of the Employment Tribunal case, the Respondent said no.

33. Responding to the Tribunal, the Respondent said she was a Master's student and is no longer studying. She has applied for a further visa. She is entitled to work.

34. The Respondent, Mr Manchikalapudi, respectfully asked the Tribunal not to grant the order. The Respondent said he cannot stay with friends as they are already sharing and short of space. He has not spoken to the local authority because of his visa conditions. The Respondent said he would be homeless if the order was granted. He could not stay anywhere. There would be uncertainty, and he could not cope. The Respondent said he applied for his visa two months ago, and there is an eight-to-twelve-month delay in getting a decision on his visa. Asked why the Applicant should continue to suffer due to the non-payment of rent and arrears, the Respondent said this month's rent would be paid today. The Respondent said the Tribunal could grant the order if nothing was paid today. The Respondent said he was on a graduate visa. No family members are living close to the Property.

35. In summary, Mr Habib said his mother, the Applicant, cannot take any more stress and a decision is required today to improve her financial situation.

36. In summary, the Respondent, Ms Vusula, said it would be good if no order was granted and more time was given. The Respondent said she was suffering from anxiety 'even now'. The Respondent said the order could be granted if no payment was made today.

37. The Respondent, Mr Manchikalapudi, did not wish to add anything in summary.

Findings in Fact and Law

38.

(i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 17th December 2024 at a monthly rent of £1095.

(ii) The Applicant has served a Notice to Leave upon the Respondents.

(iii) The Respondents have accrued rent arrears.

(iv) The Respondents have been in rent arrears for three or more consecutive months.

(v) The Respondents 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) The tenancy is not sustainable.

(viii) It is reasonable to grant an eviction order.

Reasons for Decision

Postponement of hearing

39. In terms of Rule 28 of the Tribunal's Procedural Rules, the Tribunal may adjourn or postpone a hearing on its own initiative or on an application by a party. Where a party applies, they must, if practicable, notify all other parties of the application for an adjournment or postponement; show good reason why an adjournment or postponement is necessary; and produce evidence of any fact or matter relied on in support of the application for an adjournment or postponement.

40. It was not clear that the Respondents had notified the Applicant of the request for a postponement, but the Tribunal did not take that into account when reaching its decision. The Tribunal was not persuaded that the Respondents had shown good reason why the postponement was necessary. The evidence lodged in support of the application was insufficient to show that the postponement was necessary. The Respondents did not lodge any compelling evidence of Ms Vusula's ill-health. The only medical evidence lodged referred to a consultation for Ms Vusula in May 2025. There was no evidence of ongoing medical issues, other than a data subject access request from the Respondent that referred to a blood test taken on 8th September and a follow-up appointment on 23rd September. There was no soul and conscience or equivalent type of letter from a medical practitioner to support Ms Vusula's evidence that she was currently suffering from anxiety and panic such that it would affect her ability to participate at the hearing. Ms Vusula appeared to be able to participate fully at the telephone conference. Ms Vusula did not explain what further preparation was required for the hearing.

41. The Tribunal noted that the documents lodged by Ms Vusula indicated that she had not requested her medical records until October 2026, although she referred to having requested them in September 2026. At the CMD in May 2026, the Respondents were informed that evidence of the impact of an eviction order upon Ms Vusula was required. It was incumbent upon them to request such evidence as soon as possible after the CMD and not to leave it for several months before requesting medical records.

42. The Tribunal was not persuaded that it would be in the interests of justice to postpone to allow the Employment Tribunal hearing to take place. There was no guarantee that it would take place or be concluded on 8th December 2026.

There was no guarantee that the Employment Tribunal would make a financial order in favour of the Respondent, Ms Vusula, or that any such order would be sufficient to cover the rent arrears.

43. The Tribunal was not persuaded that the Respondents were credible in their representations to the Tribunal. The Tribunal noted that Ms Vusula had referred at the CMD to having been successful at an Employment Tribunal, and said she was awaiting a decision. That did not appear to be the case on the evidence before the Tribunal, as no hearing had yet taken place. The Respondents said at the CMD that they were going to make payment towards the arrears and clear them within three to four months, by borrowing from family and friends, as well as the expected payment from the Employment Tribunal. The Tribunal noted that the Respondent, Mr Manchikalapudi, had stated at the CMD that he was searching for employment and hopeful of getting a job soon, with no mention of any visa issues that might affect his employment prospects. The Tribunal noted that the Applicant referred to previous repeated broken promises. The Tribunal considered that the Respondents were evading the crucial issue that the tenancy is not sustainable, and trying to delay matters without good cause by seeking a postponement.

44. The Tribunal considered its obligation to consider the overriding objective as set out in Rule 2 of the Procedural Rules. The Tribunal was satisfied that the Respondents were able to participate fully in the proceedings. The Tribunal noted the requirement to avoid delay so far as compatible with the proper consideration of the issues. The Tribunal noted the ongoing effect of the non-payment of rent upon the Applicant, as reported by Mr Habib. It was within the knowledge of the Tribunal that postponement of the hearing to another date would involve an inevitable lengthy delay of some months before a further hearing date could be found. The Tribunal was concerned at the significant level of rent arrears. The Tribunal was not convinced that, if the hearing was postponed, the Respondents would make payment of the rent or any payment towards the arrears. The Respondents have made no payment of rent or payment towards the arrears since the CMD in May 2026, despite promises made at the CMD. The Tribunal was concerned that further delay in hearing the case would result in further arrears, with further negative consequences for the Applicant.

45. The Tribunal considered it was not in the interests of justice to postpone the hearing.

Eviction Order

46. 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.

47. 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 Respondents were in rent arrears as a result of a delay or failure in the payment of a relevant benefit.

48. 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's letting agent has complied with the pre-action protocol by sending emails and letters to the Respondents.

49. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.

50. The arrears are now substantial and rising. Promises made both to the Applicant and to the Tribunal at the CMD to make payment have come to nothing. Although Ms Vusula claimed to have a month's rent in cash, she had not paid that before the hearing, and there was no reason given as to why her joint Respondent could not have gone to the bank before the hearing to deposit the cash. Even if that money was paid, it would only cover the current month's rent, and there was no proposal to make payment towards the arrears, and no indication as to how the ongoing rent would be covered after this month, other than a repeat of the vague notion that family and friends would assist. This same claim was made at the CMD and came to nothing.

51. The Tribunal took into account the information provided in respect of the Respondents' health. Ms Vusula claimed to be suffering from ill-health that does not allow her to work. She claimed her health would be impacted by the granting of an eviction order. No evidence was provided to substantiate this claim. The only medical evidence before the Tribunal was a letter from May 2025 that indicated one episode of ill-health. While the Tribunal accepted that the Respondent may be suffering from ill-health that may be impacted by an eviction order, it considered that more evidence would have been required to allow it to give due weight to this claim. The Respondent had been clearly told at the CMD that this evidence was required. The Respondent delayed for several months in seeking her medical records, with insufficient explanation for this delay. The Respondent, Mr Manchikalapudi, claimed to be suffering from mental stress and sleep problems. Again, there was no evidence to substantiate these claims.

52. The Tribunal considered the oral evidence that neither Respondent has recourse to public funds and cannot, therefore, be provided with assistance if declared homeless. No evidence was provided by either Respondent to substantiate this claim, and the Tribunal noted that it had not been raised as a matter that would go towards reasonableness in written representations from the Respondents.

53. The Tribunal took into account the information provided regarding the Applicant's circumstances. The Tribunal considered that the Applicant is suffering financially and personally as a result of the Respondents' failure to pay the rent and address the arrears. The Respondents entered into a tenancy agreement with a requirement to pay rent monthly for the Property, and the Applicant is entitled to be paid rent lawfully due.

54. The Tribunal considered it likely that, if no order was granted, the arrears would continue to rise, and the Applicant would suffer further financially and personally. The tenancy is not sustainable, given the lack of payment over a significant period of time, and the lack of any feasible plan for ongoing payment.

55. The Tribunal considered that, if an order is granted, the Respondents may face significant hardship if their claims concerning their visas are correct. It is within the knowledge of the Tribunal that those who do not have recourse to public funds are not entitled to council homeless accommodation. However, it is also within the knowledge of the Tribunal that the local authority has a duty to protect vulnerable adults if they have social care or mental health needs. There are also non-governmental bodies such as charities and refugee and migrant support networks that may assist those facing housing insecurity. It may be possible for the Respondents to seek assistance from such bodies, or to seek assistance from friends.

56. Taking all the above circumstances into account, and weighing in the balance, the consequences of granting or not granting the order, the Tribunal considered it was reasonable to grant the order sought.

Decision

57. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 9th December 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.

Helen Forbes

Legal Member/Chair **4th November 2026**
Date