



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/25/3274

Re: Property at 7 Malloch Crescent, Johnstone, PA5 9HH (“the Property”)

Parties:

Hub (Scotland) Limited, Bridgend Compound, Bridge Street, Linwood, PA3 3DR (“the Applicants”)

Mrs Paula Green and Mr Gerald Green, both 7 Malloch Crescent, Johnstone, PA5 9HH (“the Respondents”)

Tribunal Members:

George Clark (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondents.

Background

1. By application, dated 31 July 2025, the Applicants sought an Order for Possession of the Property under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, (arrears of rent over three consecutive months).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 4 February 2021 at a monthly rent of £650, a Notice to Leave, dated 17 June 2025, advising the Respondents that the Applicants were seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 18 July 2025, and a Rent Statement showing arrears at 31 July 2025 of £2,565.51, which was subsequently replaced by an updated Rent Statement showing arrears of £5,461.76 at 24 February 2026. The Respondents had only paid £13.15 since October 2025.

The Applicants also provided copies of pre-action protocol communications sent to the Respondents on 29 April, 6 May and 13 May 2025, signposting them to sources of possible help and assistance.

3. On 22 January 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondents were invited to make written representations by 12 February 2026. The Respondents did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 11 March 2026. The Applicants were represented by Mr Ian Anderson-Troy of Penny Lane Homes, Renfrew. The Respondents were not present or represented.
5. The Applicants' representative told the Tribunal that no rent had been paid since the date of submission of the updated Rent Statement and that the arrears were now £6,130.76. The background was that, for a period, the Applicants had been content to accept the Respondents' Housing Benefit paid directly by the Council to the Applicants' agents, but this had reduced to £368.20, so was covering little more than half the contractual rent and it then stopped when the Respondents transferred to Universal Credit. This goes directly to the Respondents and they have failed to pass on any of it by way of rent. Mr Anderson-Troy understood that the Respondents are the only occupants of the Property.

Reasons for Decision

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the Eviction Grounds named in Schedule 3 applies.
8. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, at the beginning of the day on which the Tribunal first considers the application for an Eviction Order on its merits, the tenant is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on that day, and has been in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months, that the Tribunal is satisfied that the tenant's being in arrears of rent over that period

is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order.

9. The Tribunal was satisfied that the Respondents have been in rent arrears for three or more consecutive months and that the current arrears exceed one month's rent. Although there was a switch from Housing Benefit to Universal Credit, no evidence had been presented to indicate that the Respondents' being in arrears might be wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. Accordingly, the only matter for the Tribunal to determine was whether it was reasonable to issue an Eviction Order.
10. The Tribunal noted that monthly payments of £368.20 when made had been considerably less than the contractual rent and that the last such payment had been made on 10 October 2025, with only £13.15 received since then. The arrears position was deteriorating significantly each month, with no payments at all since 7 November 2025.
11. Having considered carefully all the evidence before it, the Tribunal decided that it was reasonable to issue an Eviction Order against the Respondents under Ground 12 of Schedule 3 to the Act.

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.

George Clark

Legal Member/Chair

11 March 2026
Date