



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 and Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/4126

Re: Property at Apartment 5/17, Block C Platform_, 5 Warroch Place, Glasgow, G3 8JL (the Property)

Parties:

NW Platform Glasgow Limited Partnership, 90 Long Acre, London, (the Applicant)

Platform PM Limited, Marble Arch House, 66 Seymour Street, London, W1H 5BT (the Applicant's Representative)

Mr John McCrate and Ms Rachel Smith, Apartment 5/17, Block C Platform_, 5 Warroch Place, Glasgow, G3 8JL (the Respondents)

Tribunal Members:

Ms Susanne L. M. Tanner KC (Legal Member)

Mrs Mary Lyden (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal):

**(1)(i) was satisfied that Ground 12(1) in Schedule 3, Part 3 to the 2016 Act was established by the Applicant, in that for three or more consecutive months the Respondents have been in arrears of rent; and (ii) was satisfied that it was reasonable on account of that fact to issue an eviction order; and
(3) made an order for eviction in terms of Section 51 of the 2016 Act.**

The decision of the tribunal was unanimous.

Statement of Reasons

Procedural Background

1. On 26 November 2025, the Applicant's Representative made an application to the tribunal in terms of Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (the 2016 Act) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant originally sought the Respondents' eviction from the Property in terms of Section 51 of the 2016 Act under ground 8 of Schedule 3 to the 2016 Act, which was later amended to ground 12, that the tenant has been in arrears or rent for three or more consecutive months (see below).
3. The Applicant provided the following documents in support of the Application:
 - 3.1. Appendix with second Respondent's details;
 - 3.2. Private Residential Tenancy Agreement;
 - 3.3. Notice to Leave and proof of service by email;
 - 3.4. Copy of Section 11 notice sent to the local authority and proof of delivery;
 - 3.5. Rent ledger;
 - 3.6. Record of contact.
4. The tribunal's administration obtained a copy of the title deeds for the Property which show that the Applicant is one of the registered tenants of the Property, which forms part of a larger development. The tenancy is for 25 years commencing on and including 7 November 2023.
5. The tribunal confirmed that the Applicant is the registered landlord with Landlord Registration Scotland and the registered agent is Platform PM Limited.
6. The Application was accepted for determination by the tribunal. A Case Management Discussion (CMD) teleconference was fixed for 18 March 2026 at 1400h.
7. The tribunal sent letters of notification to all parties dated 3 February 2026 with the date, time and arrangements for joining the CMD in relation to the Application. The Respondents were invited to make written representations in response to the Application by 24 February 2026. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this would not stop a decision

or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair.

8. Service of the Application paperwork and notice of the CMD on the Respondent at the Property was by Sheriff Officers on the First Respondent at the Property on 4 February 2026 and on the Second Respondent, personally at the Property on 4 February 2026.
9. The Respondents did not submit any representations in the specified time period. The Respondents did not make any contact with the tribunal.

CMD: 18 March 2026, 1400h, Teleconference

10. Ms Verlice and Ms Lemos attended from the Applicant's representative.
11. The Respondents did not attend. The tribunal was satisfied that the requirements of Rule 24(1) regarding the giving of notice of a hearing have been duly complied with and proceeded with the application upon the representations of the party present, in term of Rule 29 of the 2017 Rules.

Applicant's submissions

12. Ms Verlice moved to amend the Application to proceed under ground 12, stating that ground 8 had been stated in error. The ground is that the tenant has been in arrears of rent for three or more consecutive months. The Notice to Leave on 26 August 2025 was on ground 12 and the supporting document was a rent ledger. The tenants have had fair notice of the case against them. The tribunal allowed the amendment for the Application to proceed on ground 12.
13. Ms Verlice referred to the rent ledger. She explained that the £1876.00 rent in the Tenancy Agreement includes the base rent charge for £1562.00; the residents have parking included on site, that is £275.00; and the wifi which is £39.00.
14. Ms Verlice stated that there were some arrears which were paid on 30 May 2025. Since 1 June 2025 there have been constant arrears. No payments have been made since 23 September 2025, which is the last date on the rent ledger. The rent arrears are £15,298.32 as at today's date, 18 March 2026.
15. Ms Verlice explained that she is one of the managers on site at the office where the apartments are located. There is an arrears process. Three email chasers are sent per month. This was fully proceeded with for multiple months starting on 16

June 2025. Communication from the tenants continued initially. Contact ceased on 26 August 2025 when the Applicant's Representative issued the Notice to Leave. The residents have been in contact occasionally since then with matters relating to the apartment but not about their arrears. The Applicants have continued to issue arrears notices every single month to the Respondents and they remain unanswered. They have not indicated at any stage that they were in financial difficulties. The Applicant's Representative did a referencing process prior to the tenancy and there was nothing highlighted at that stage. The asset management team work to the landlord to facilitate a reasonable referencing process for Applicant. The Respondents were deemed able to afford the property. They are not in receipt of benefits. It is a two bedroomed property. The Applicant's Representative understands the Respondents to be a couple. They were in employment as part of the referencing process. John McCrate is 33 years old. Rachel Smith is 28 years old. The Applicant's Representative's affordability check is 30 times the monthly rent. We deem that acceptable. This was a rent split because there were two applications. They both had income verified up to a certain amount. That covered the monthly rent charge. The base rent is £1562.00. The parking is an optional charge. They did make a payment to the Applicant on multiple occasions but did a charge back to their bank and had the money refunded.

16. Ms Verlice explained that the development straddles four addresses. There is one large site of 490 apartments.

17. Ms Verlice stated that yesterday they saw the Respondents packing up and moving everything into a white van. Later on in the day a 28 day notice was issued from one of the tenants. The Applicant's Representative said to the Respondent that it had been logged and asked for a notice from the other Respondent. They did not receive one. No keys were returned.

18. Ms Verlice asked the tribunal to proceed with the eviction order today.

19. The tribunal adjourned to deliberate.

20. The tribunal makes the following findings-in-fact:

20.1. The Applicant is one of the registered tenants of the Property, which forms part of a larger development. The tenancy is for 25 years commencing on and including 7 November 2023.

- 20.2. The Applicant entered into a private residential tenancy agreement with the Respondents for the Property which began on 30 May 2025.
- 20.3. Rent is payable at the rate of £1876.00 per calendar month in advance from the start of the tenancy on 1st of each month, which comprises £1562.00 for rent, £275.00 for parking and £39.00 for wifi.
- 20.4. On 26 August 2025, a Notice to Leave containing ground 12 of Schedule 3 to the 2016 Act was served on the Respondents.
- 20.5. As at 18 March 2026, the total rent arrears (including parking and wifi) are £15,298.32.
- 20.6. The Applicant has given the Respondents at least 28 days' notice that they require possession.
- 20.7. The Respondents have made no payments towards the rent arrears or rent falling due since the Notice to Leave was served.
- 20.8. As at date of service of the Notice to Leave and as at 18 March 2026 there have been rent arrears for more than three consecutive months.
- 20.9. The Respondents continue to reside in the Property.
- 20.10. On 17 March 2026, the Respondents were moving belongings out of the Property into a van.
- 20.11. On 17 March 2026, one of the Respondents served 28 days' Notice to Leave on the Respondents.
- 20.12. The second Respondent has not issued Notice to Leave.
- 20.13. The Respondents have not returned the keys of the Property to the Applicant's Representative.
- 20.14. The rent arrears are not a consequence of delay or failure in payment to the Respondents of relevant benefits.
- 20.15. The Respondents have not opposed the application for eviction.

Discussion

21. The order for eviction is sought in the Application (as amended) terms of Section 51 and paragraph 12(2) of Schedule 3 to the 2016 Act. The tribunal is satisfied that the facts required in paragraph 12(2) of Schedule 3 to the 2016 Act have been established.
22. In relation to reasonableness, reference is made to the tribunal's findings in fact. The Respondents have not opposed the application for eviction. They have not produced any defence. They have had the opportunity to obtain legal, and/or housing advice. There is no evidence that they are on any relevant benefits or that there is any other reason why it would not be reasonable to evict them from the Property. It appears that they may be in the process of moving out of the Property or that they intend to leave but they have not properly served Notice to Leave or returned keys to the Property. The tribunal was satisfied that it was reasonable to evict the Respondents, in the circumstances of the case.

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.

18 March 2026

**Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair**