



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/4794

Re: Property at 2/2, 8 Crathie Drive, Partick, Glasgow, G11 7XE (“the Property”)

Parties:

Mr Peter Aitchison, 1/1, 5 Whitehill Gardens, Glasgow, G31 2PR (“the Applicant”)

Mr Mark Hoxley, 2/2, 8 Crathie Drive, Partick, Glasgow, G11 7XE (“the Respondent”)

Tribunal Members:

Hilary Macandrew (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be decided without a hearing and issued an order for payment should be granted in the sum of £4,775

1) Background

- 1.1 The Application was conjoined with an application seeking an order for eviction under reference FTTS/HPC/EV/26/0033
- 1.2 The application to the Tribunal was made by Form F on 6th January 2026 and was accepted for determination by the Tribunal on 28th January 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 21st May 2026.

2) The Case Management Discussion

- 2.1 The Case Management Discussion (CMD) took place by tele conference on 23 June 2026. The Applicant was represented by Ms Kirsty Haughie of 1-2-Let (Lettings & Sales) Ltd. The Applicant was not present. The Respondent was neither present nor represented. The Respondent had not lodged any form of response.
- 2.2 The Tribunal asked various questions of the Applicant's representative with regard to the application.
- 2.3 The tenancy commenced on 5 May 2008.
- 2.4 The Notice to Quit was sent on 1 November 2025 giving a notice period until 27 December 2025.
- 2.5 The Notice to Quit was served along with Form AT6 on 5 November 2025.
- 2.6 The Section 11 Notice to the local authority was sent on 6 January 2026.
- 2.7 The rent in terms of the lease was initially £385 and subsequently increased and at the time of raising proceedings the monthly rent was £600.
- 2.8 The Respondent has been in arrears of rent since 1 August 2025. The Applicant has produced a rent statement and it was spoken to by the Applicant's representative.
- 2.9 The Applicant is the landlord of a portfolio of properties, all of which are managed by 1-2-Let (Lettings & Sales) Ltd, the Applicant's agent.
- 2.10 The Applicant is believed to be in his mid-fifties. The tenancies are run as businesses. The Applicant has a mortgage to pay on the property as well as a factoring fee. The Applicant is having to use savings to maintain mortgage payments in the absence of payment of rent. The absence of payment of rent is having a detrimental effect on the Applicant's financial position.
- 2.11 The Respondent is 48 years of age. He is not believed to have any partner or dependents who live with him or visit him regularly. His rent was paid timeously throughout the tenancy up until the beginning of August 2025. At that time the Applicant's agents wrote to him to bring the fact that he was in arrears to his attention. At that time the rent was two weeks overdue and they were advised by him that he would get it resolved. He had not realised the rent had not been paid. He apologised to the agent and to the Applicant. Since that time there has been no communication between the Respondent and the Applicant or the Applicant's agents. The Applicant's agents have tried to contact the Respondent by letter, by email, by registered post and by more than one visit to the property. They most recently carried out a home visit on 6 May 2026. On each home visit the person visiting has been aware that there is noise from within the tenancy to indicate that the property remains occupied.

- 2.12 The Applicant has completed all the timeous legal requirements. The pre-action communication has been issued. The Applicant's agent was in touch with the local benefits office to ascertain if there was any issue regarding benefits. The Respondent is believed to have been working and not in receipt of benefits or having claimed benefits.
- 2.13 The Applicant's agent have validly served the Section 11 Notice on the local authority. The local authority have had no communication from the Respondent regarding homeless accommodation.

3) Findings in Fact and Law

- 3.1 The Applicant and the Respondent entered into a Tenancy Agreement in respect of the property which commenced on 5 May 2008.
- 3.2 The monthly rent due under the Tenancy is £600 per month.
- 3.3 The rent arrears due as at the date of the Notice to Quit was £2,375
- 3.4 The rent arrears due as at the date of the hearing is £4,775.
- 3.5 The Respondent has been in arrears of rent since August 2025.
- 3.6 The Applicant is entitled to recover rent lawfully due.

4) Reason for Decision

- 4.1 Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.

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.

Hilary Macandrew

23rd June 2026

Legal Member/Chair

Date