



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 (1) of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/26/0033

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 Eviction Order against the Respondent.

1) Background

- 1.1 This is an Eviction Order application and is made under section 18 (1) of the Housing (Scotland) Act 1988.
- 1.2 By application dated 6th January 2026 the Applicant sought an order for eviction, relying on ground 8, ground 11 and ground 12 at Section 33 of the Housing (Scotland) Act 1988. The application was conjoined with an application seeking an order for payment in respect of rent arrears under reference FTS/HPC/CV/25/4794
- 1.3 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 27th February 2026
- 1.4 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 21st May 2026

1.5 The Case Management Discussion (CMD) took place 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) Discussions at CMD

2.1 The Tribunal asked various questions of the Applicant's representative with regard to the application.

2.2 The tenancy commenced on 5 May 2008.

2.3 The Notice to Quit was sent on 1 November 2025 giving a notice period until 27 December 2025.

2.4 The Notice to Quit was served along with Form AT6 on 5 November 2025.

2.5 The Section 11 Notice to the local authority was sent on 6 January 2026.

2.6 The rent in terms of the lease was initially £385 per month and subsequently increased and at the time of raising proceedings the monthly rent was £600 per month.

2.7 The Respondent has been in arrears of rent since 1 August 2025.

2.8 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.

2.9 The Applicant is believed to be in his mid-fifties. The tenancy is managed as part of a residential leasing business. 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.

2.10 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 is not aware of the Respondent having any vulnerabilities which may make it difficult for him either to pay rent or to communicate. The Applicant's agents had contacted the emergency contact person given in the initial application who is the Respondent's mother. She indicated that she was not in touch with the Respondent and did not wish to be

contacted. 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. There have been no reports of concern from neighbours regarding the conduct of the tenancy. Due to a lack of communication from the Respondent at the beginning of January the Applicant's agents raised a welfare concern with the police who carried out a welfare check. They met the Respondent and advised the Applicant's agents that there were no concerns. This was on 6 January 2026.

- 2.11 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.
- 2.12 The Applicant's agents have validly served the Section 11 Notice on the local authority. The local authority have had no communication from the Respondent regarding homeless accommodation.
- 2.13 It is reasonable to grant an order for eviction
- 2.14 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 CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact

- 3.1 The Applicants 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 Agreement is £600 per month.
- 3.3 The rent arrears due as at the date of the Notice to Quit and AT6 was £2375.
- 3.4 On 5 November 2025 the Applicant's agent served upon the Respondent Notice to Quit and AT6. These notices were served on the Respondent by sheriff officers. Said Notices became effective on 28th December 2025.
- 3.5 The rent arrears due as at the date of the hearing is £4,775.
- 3.6 The Respondent at the date of lodging the application and notices being served is the sole tenant.
- 3.7 The Respondent is not in receipt of benefits.

3.8 The basis for the Order for Possession was accordingly established.

4) Decision and Reasons

4.1 When the 1988 Act was originally passed the eviction process under Section 33 was mandatory. The Tribunal was required by law to grant the Eviction Order if satisfied that required notices in terms of that Section had been served upon the tenant.

4.2 Since 7 April 2020 in terms of changes initially made by the Coronavirus (Scotland) Act 2020 and then by the Coronavirus (Recovery and Reform) (Scotland) Act 2022 an Eviction Order on this basis can only be granted if the Tribunal is satisfied that it is reasonable to issue an Eviction Order.

4.3 In determining whether it is reasonable to grant the order the Tribunal was required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.

4.4 The Tribunal has a duty in such cases to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the Tribunal to grant the order or decline to grant the order will be relevant.

4.5 In this case the Tribunal finds it is reasonable to grant the order.

4.6 The Tribunal accepts that the Respondent is a single man with no known dependants.

4.7 The Respondent has failed to provide any representations or evidence to the Tribunal to indicate any reason why the order should not be granted.

4.8 The balance of reasonableness is weighted towards the applicant in this application.

4.9 The Tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 and determined that a final order should be made at the CMD. The decision is the Order for Recovery of Possession is granted.

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