

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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/4839

Re: Property at 335 Dumbarton Road (F 1/1), Glasgow, G11 6AL (“the Property”)

Parties:

Iqbal S Gill, Balwinder S Gill, Firm of Chapati Fast Foods, Mr Dippal S Gill, 96 Hamilton Avenue, Glasgow, G41 4EX; 14 Fifth Avenue, Glasgow, G12 0AT; 98 Springwell Avenue, Glasgow, G41 4EL; unknown, unknown (“the Applicant”)

Miss Esha Kamble, 335 Dumbarton Road (F 1/1), Glasgow, G11 6AL (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession should be granted in favour of the Applicants against the Respondent

1. An application was received on 10 November 2025 from Mr Dippal Gill, one of the Applicants, under Rule 109 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (‘the 2017 rules’) seeking recovery of the property under Ground 12 (rent arrears) as set out in Schedule 3 of the 2016 Act.
2. Attached to the application form were:
 - (i) Copy private residential tenancy agreement relating to the property between Mr Dippal Gill and the Respondent, which commenced on 17 May 2024.

- (ii) Copy Notice to Leave dated 3 October 2025 citing ground 12, and stating the date before which proceedings could not be raised to be 1 November 2025.
 - (iii) WhatsApp message to the Respondent dated 3 October 2025 regarding the notice to leave, with attached photographs.
 - (iv) Signed statement by Mr Jack Benson regarding delivery of the Notice to Leave.
 - (v) Various WhatsApp messages between Mr Gill and the Respondent dated between 12 September 2024 and 1 October 2025 regarding the Respondent's alleged rent arrears.
 - (vi) Handwritten "rent schedule" detailing the months during which the Respondent had not paid her rent.
 - (vii) Copy statement of bank transactions showing rent payments which had been received from the Respondent.
3. Further to a request from the tribunal administration, an amended application was received from the Applicants naming all of the Applicants, being the registered owners of the property.
4. The application was accepted on 22 January 2026.
5. Notice of the case management discussion (CMD) scheduled for 2 June 2026, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the tribunal on 28 April 2026. The Respondent was invited to submit written representations by 16 May 2026.
6. Further written representations were received from the Applicants on 19 May 2026. No written representations were received from the Respondent prior to the CMD.

The case management discussion

7. A CMD was held by teleconference call on 2 June 2026. Mr Dippal Gill was present on the call and represented the Applicants.
8. The Respondent was not present or represented on the call. The tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.
9. The tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case

management discussion had been duly complied with. The tribunal therefore proceeded with the CMD in the absence of the Respondent.

10. The legal member informed Mr Gill that it had come to the tribunal's attention shortly before the CMD began that there was a difficulty with the application. It did not appear from the case file that a notice had been sent to Glasgow City Council under section 11 of the Homelessness etc. (Scotland) Act 2003 ("a section 11 notice"). It is a requirement that a copy of such a notice is attached to an application for eviction under rule 109 of the 2017 rules.
11. Mr Gill confirmed that he had not sent a section 11 notice to the council, and said that he had been unaware that this was a requirement.
12. The legal member explained that, while it was unfortunate that this issue had not been picked up at an earlier stage, as things stood the application was not valid. The tribunal could either refuse the application on that basis or continue it to another CMD to allow the Applicants to notify the local authority accordingly. Mr Gill indicated that he would prefer for the matter to be continued to allow him to send a section 11 notice to Glasgow City Council.
13. The tribunal also brought to Mr Gill's attention the pre-action protocol set out in regulation 4 of the [Rent Arrears Pre-Action Requirements \(Coronavirus\) \(Scotland\) Regulations 2020](#). It was noted that when deciding whether it is reasonable to grant an eviction order on ground 12, the tribunal is required to consider the extent to which the landlord has complied with these.
14. The tribunal also noted that it would be helpful to see an updated rent statement clearly showing the amount of rent due, the date on which it fell due, the amount of rent paid, and the running total of unpaid rent. The current outstanding rent owed was not entirely clear from the handwritten statements which had been provided. Mr Gill also confirmed that the monthly rent payable under the tenancy was £795 as stated in the tenancy agreement, although the Respondent had paid £785 in some months.
15. The tribunal issued a direction to the Applicants alongside this note, directing them to provide the following at least 14 days before the CMD:
 - 1) A copy of a section 11 notice from the Applicant to Glasgow City Council, together with evidence that this had been sent.
 - 2) An updated rent statement clearly showing the amount of rent due, the date on which it fell due, the amount of rent paid, and the running total of unpaid rent.

- 3) Any further evidence of compliance with the pre-action protocol set out in regulation 4 of the [Rent Arrears Pre-Action Requirements \(Coronavirus\) \(Scotland\) Regulations 2020](#).
16. A response to the direction was received from the Applicants on 28 July 2026. Attached to this was a copy section 11 notice to Glasgow City Council, together with a covering email dated 2 June 2026 and an updated rent statement.
17. No written representations were received from the Respondent prior to the continued CMD.

The continued CMD

18. The continued CMD was held by teleconference call on 13 August 2026. Mr Dippal Gill was present on the call and represented the Applicants.
19. The Respondent was not present or represented on the call. The tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. She did not join the teleconference call, however, and no telephone calls, messages or emails had been received from her.
20. The tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. The tribunal therefore proceeded with the CMD in the absence of the Respondent.

Preliminary issue

21. The tribunal noted that the tenancy agreement between Mr Dippal Gill and the Respondent was not in the standard model form for a private residential tenancy. There was accordingly no provision for the means by which a notice to leave could be served.
22. Mr Gill confirmed that he had personally delivered the Notice to Leave to the Respondent on 3 October 2025. She had not answered the door, so he had put it through the letter box. He had produced a signed statement from a witness, Mr Jack Benson, confirming this. He had also sent a WhatsApp message to the respondent on 3 October 2025, to which photographs of the notice being posted through the letterbox were attached.
23. In the absence of any opposition from the Respondent, the Tribunal was satisfied on the basis of the evidence provided that the notice to leave had been validly served on the Respondent by means of personal delivery.

Submissions on behalf of the Applicants

24. Mr Gill asked the tribunal to grant an eviction order in favour of the Applicants against the Respondent. The Respondent now owed a total of £11130, which was 14 months' rent, as shown on the updated rent statement submitted on 28 July 2026. It was clear that she was not going to pay the arrears. He had been very patient with her, but it was clear from the WhatsApp messages lodged with the tribunal that she had kept making excuses about why she had not paid the rent.
25. He had been a landlord for around 35-40 years and had never had to take eviction action against a tenant before. He did not want to have to apply to the tribunal, but he had no alternative, as the Respondent had remained in the property and continued not to pay the rent.
26. Mr Gill and the other two owners are all now retired, and the rent from their various rented properties was their only income. While there is no mortgage over the property, they still had to pay factoring fees and insurance costs, with no rental income coming in to cover these.
27. The property is a one bedroom flat and so far as he is aware, the Respondent lives in it alone. She is not to his knowledge in receipt of benefits. He believes that the Respondent is living in Scotland on the basis of a work visa. She kept telling him that she was waiting for the visa to come through. It seemed to have taken a long time for her visa to arrive. She had said that said her visa had come through in January 2025 and that she would start paying the rent. She then later said she needed to apply for another visa, which he found difficult to believe. She has no health issues so far as he was aware.
28. He said that he last had contact with the Respondent shortly before issuing the Notice to Leave. He had sent her a WhatsApp message on 1 October 2025 telling her that he would go to the tribunal unless she would speak to him. He had been to the property on a number of occasions but the Respondent would not answer the door. He had tried to call her but she would not answer the phone. He believed that she was still living in the property as neighbours within the block had confirmed this.
29. With regard to the pre-action requirements, he had sent the Respondent numerous messages about her rent arrears over a period of time, which had been submitted to the tribunal. He had also sent her a message after submitting the application to the tribunal offering to delay the action if she were to make a lump sum payment towards the arrears and then make up the rest by instalments.

Findings in fact

30. The tribunal made the following findings in fact:

- The Applicants are the joint owners and registered landlords of the property.
- One of the Applicants, Mr Dippal Gill, and the Respondent entered into a private residential tenancy agreement which commenced on 17 May 2024.
- The rent payable under the tenancy agreement was £795 per calendar month, payable in advance each month.
- The Notice to Leave was validly served on the Respondent by personal service on 3 October 2025.
- The Applicants sent a valid notice to Glasgow City Council under section 11 of the Homelessness etc. (Scotland) Act 2003 on 2 June 2026.
- The Respondent had been in rent arrears for more than three consecutive months as at both the date of service of the Notice to Leave and as at the date of the continued CMD.
- The Applicants have not fully complied with the pre-action requirements. They have, however, sent numerous messages to the respondent regarding the rent arrears.
- The Respondent's being in arrears of rent over the period in question is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
- The updated rent statement produced by the Applicants showed that the Respondent owed them £11130 in rent arrears as at the date of the CMD.

Reasons for decision

31. The tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties.

32. The tribunal considered whether Ground 12 (rent arrears) had been met. Ground 12 states:

Rent arrears

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2).....

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and

(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

33. The tribunal noted from the updated rent statement provided by the Applicants representative that the Respondent had been in rent arrears for more than three consecutive months as at the date of the CMD. No written representations had been received from the Respondent to indicate that she disputed this. The tribunal therefore found that Ground 12 had been met.

Reasonableness

34. The tribunal then considered whether it was reasonable to issue an eviction order in all the circumstances of the case. In doing so, it took into account all of the evidence before it.
35. The tribunal noted that the Applicants had not fully complied with the pre-action requirements prior to making the application. They had not made proposals regarding a payment plan at that stage, or provided information about her rights or where she might seek advice. Mr Gill had, however, sent the Respondent numerous WhatsApp messages over a period of more than a year. She had responded to some of these and it was clear that she was aware that she owed rent arrears, as she had undertaken to start paying several times and had kept giving reasons why she had not paid the rent.
36. The tribunal was satisfied on the basis of the available information that there was no indication that the arrears were wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
32. The tribunal noted that the Applicants are now retired and reliant on their rental income. While there is no mortgage over the property, they have other costs to

pay in relation to the property and the Respondent's failure to maintain regular rent payments is having a detrimental impact on their financial situation.

33. The Respondent has a legal obligation to pay the monthly rent as set out in the tenancy agreement. She has failed to do so for much of her tenancy. She missed six months' rental payments in 2025 and has only made three payments in 2026. She has paid no rent since March 2026.
32. The tribunal had little information about the Respondent's circumstances, in the absence of any written representations from her or any attendance at either CMD. She appears to live in the property alone and to be in employment. She has no known health issues. She has not opposed the application.
34. The tribunal gave significant weight to the rent arrears owed by the Respondent, which totalled over 11 months' rent.
33. The tribunal decided that in light of all the above considerations, it was reasonable in all the circumstances to grant an order for eviction in favour of the Applicants against the Respondent.

Decision

The tribunal grants an order in favour of the Applicants against the Respondent for recovery of possession of the property. The order will take effect on 14 September 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.

Sarah O'Neill

Legal Member/Chair

Date: 13 August 2026