



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/4687**

**Re: Property at 14 MANOR STREET, FALKIRK, STIRLINGSHIRE, FK1 1NH (“the Property”)**

**Parties:**

**MRS BARBARA MACLEOD, 2 CRAIGENGALL, AVONBRIDGE, FALKIRK, FK1 2JY (“the Applicant”)**

**MISS RUMBIDZAI MUNYARADZI, 14 MANOR STREET, FALKIRK, STIRLINGSHIRE, FK1 1NH (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.**

**Background**

1. By application dated 31 October 2026 the applicant seeks an order for eviction, relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant lodged the following documents in advance of the case management discussion (“cmd”):
  - Copy tenancy agreement
  - Notice to leave

- Section 11 notice to local authority
  - Rent statement
  - Pre Action Requirement correspondence
  - Rent increase notice
3. A case management discussion was scheduled to take place via teleconference on 13 May 2026.

**Case management discussion (“cmd”) – teleconference- 13 May 2026**

4. The applicant attended with her representative, Mr McTigue, solicitor, Jackson Boyd LLP. The respondent attended on her own behalf.
5. Mr McTigue referred to the written submissions that had been lodged with the application. An updated rent statement had been submitted in advance of the cmd which showed that arrears had increased to £6,600.
6. The applicant stated that she is 64 years old. She is employed part time as a dental hygienist. She is unable to work full time due to health conditions. The applicant stated that she has no other rental properties. She stated that there is a mortgage over the property and other expenses associated with letting the property out. The level of arrears had an impact on her financial position and she had struggled to cover the costs and outlays associated with the property. She also stated that she had suffered stress and anxiety due to the conduct of the tenancy as she was very worried about the increasing arrears.
7. The respondent stated that she is 30 years old and resides alone in the property. She confirmed that the monthly rent is £600 and did not dispute that the current rent arrears amounted to £6,600. The respondent stated that she had experienced difficulties with maintaining payments of rent due to family and health issues. The Tribunal enquired as to the specifics of these issues. The respondent stated that she had experienced abdominal pain which had made her unable to work. She had also been sending money to family which had left her unable to cover the rent. She stated that she had no recourse to public

funds which meant that in periods when she was not working she had little income. The respondent stated that in March she had resumed employment as a nurse at Forth Valley Royal hospital. She stated that her income varied however she had been paid £1,500 at the end of April. She anticipate that her average monthly salary would be approximately £1,700 in the future. The Tribunal discussed that no payment had been made to the rent account since 25 February 2026. The respondent stated that she had been waiting until after the cmd to make a payment. She stated that she now wished to pay as much as she could to reduce the arrears. The Tribunal discussed the level of repayments the respondent wished to make. She stated that she wished to pay £600 per month towards the arrears.

8. The Tribunal made careful enquiries as to whether there was any additional evidence or information that the respondent wished to submit before a decision was made. The respondent indicated that all the information she wished to provide was before the Tribunal.
9. The Tribunal sought parties views on whether, in the event an order was granted, they would seek an extension of the usual 30 day period before it was enforced. The respondent stated that if an order was to be granted she would like more time however she did not specify a period. The respondent stated that she had made some efforts to look at alternative properties online. She stated that she had no family support in Scotland which would make it more difficult if she was evicted.

### **Findings in fact and law**

10. Parties entered into a tenancy agreement with a commencement date of 2 August 2022.
11. Monthly rent due in terms of the agreement is £600.
12. Arrears as at 13 May 2026 amount to £6,600.
13. The respondent has been in arrears of rent continuously since October 2024.

14. The applicant complied with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.
15. The respondent is 30 years old and resides alone.
16. The respondent is employed as a nurse by at Forth Valley Royal Hospital.
17. A valid notice to leave was served on 17 April 2025.
18. The respondent made an offer to repay the arrears at the rate of £200-£300 per month after the notice to leave was served.
19. The respondent failed to adhere to the repayment arrangement or to maintain regular monthly payments of rent after the notice to leave was served.
20. The most recent monthly rent payment of £600 was made by the respondent 25 February 2026.
21. The respondent received a monthly salary of £1,500 at the end of March 2026.
22. The respondent did not lodge any documentary evidence to demonstrate that she had been unable to work due to ill health.
23. Ground 12, in schedule 3 of the 2016 Act has been established.

### **Reasons for the decision**

24. Rule 17 (4) states:

*The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.*

25. Rule 18 states:

*Power to determine the proceedings without a hearing*

**18.—(1) Subject to paragraph (2), the First-tier Tribunal—**

*(a) may make a decision without a hearing if the First-tier Tribunal considers that—*

- (i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and*
- (ii) to do so will not be contrary to the interests of the parties; and*
- (b) must make a decision without a hearing where the decision relates to—*
  - (i) correcting; or*
  - (ii) reviewing on a point of law,**a decision made by the First-tier Tribunal.*
- (2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.*

26. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

27. Ground 12 states:

*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.*

28. The Tribunal was satisfied on the basis of the rent accounts that had been lodged that the respondent had been in arrears of rent for a period in excess of three months. The respondent did not dispute the level of arrears at the cmd.
29. The Tribunal determined that the correspondence sent to the respondent on 19 April and 13 March 2026 complied with the pre-action requirements. The respondent had been provided with information relating to the rent arrears and guidance on how to access assistance in compliance with the pre-action requirements.
30. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against.
31. The Tribunal gave significant weight to the fact that the rent arrears were £6,600 and had been increasing since October 2024. The Tribunal gave weight to the fact that the applicant's letting agents had sought to enter into a repayment arrangement with the respondent after the notice to leave had been served that had not been adhered to. This Tribunal found the respondent's offer to repay the arrears at the rate of £600 per month lacked credibility in light of her previous failure to maintain payments. The Tribunal also took into account that the respondent had made no payment to the rent account since February 2026 despite having received a salary at the end of March.
32. The Tribunal gave weight to the impact that the ongoing arrears had on the applicant in light of her personal circumstances. The applicant had faced financial pressures for a significant period of time due to the conduct of the respondent.

33. The Tribunal took into account the respondent's personal circumstances and the reasons given for the rent arrears amassing. The respondent's submissions had contained limited details. The Tribunal gave limited weight to the medical issues that had impacted the respondent due to her failure to provide specific details or documentary evidence. The respondent's health had improved and she was now working. The Tribunal took into account that as the respondent had resumed employment the respondent would be in a position to afford alternative accommodation. The Tribunal took into account the impact that eviction would have on the respondent particularly due to her lack of family support in Scotland. The Tribunal also gave weight to the respondent's limited efforts to look for alternative accommodation.

34. Taking the foregoing circumstances into account the Tribunal determined that on balance it was reasonable to grant an order. The Tribunal determined to extend the period before enforcement to 2 months from the date of the order.

### **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.**

**M-C.Kelly**

**13 May 2026** \_\_\_\_\_  
**Date**