

Housing and Property Chamber
First-tier Tribunal for Scotland



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/26/0297

Re: Property at 9 DORNOCH PLACE, GLENROTHES, FIFE, KY6 2NU (“the Property”)

Parties:

EMMA PITBLADO, 126 EARLBANK AVENUE, GLASGOW, G14 9EA (“the Applicant”)

DANIEL PEEBLES, 9 DORNOCH PLACE, GLENROTHES, FIFE, KY6 2NU (“the Respondent”)

Tribunal Members:

Lindsay Paterson (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent had been in arrears of rent for a period of three or more consecutive months and that it was reasonable for an order for eviction to be granted.

Background

1. By application dated 20 January 2026 the Applicant sought an eviction order under Section 51 and Ground 12 of Schedule 3 of the 2016 Act and in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). A section 11 notice, tenancy agreement, notice to leave, rent statement and pre action emails to the Respondent dated 4 March 2025, 20 March 2025, 2 October 2025 and 26 November 2025 were all lodged with the application.
2. A copy of the application was served on the Respondent by sheriff officer on 8 July 2026 and parties were notified that a case management discussion (“CMD”) would take place by telephone call on 11 August 2026 at 10am.
3. The Respondent was invited to lodge a written response to the application by 28 July 2026 but failed to do so.

The Case Management Discussion

4. The case called for a CMD by way of teleconference on 11 August 2026 at 10am. The case called along with application FTS/HPC/CV/26/0322 which is an application for a payment order involving the same parties.
5. The applicant, Ms Pitblado, did not attend the CMD but was represented by Mrs King of Fife Letting Service
6. The Respondent, Mr Peebles, did not attend the CMD. The Tribunal clerk attempted to reach the Respondent by telephone but was not able to reach him.
7. Mrs King told the Tribunal that the Applicant still seeks an order for eviction.
8. Mrs King told the Tribunal that the Respondent has not paid any rent since November 2025. The last contact Mrs King had with the Respondent was in April 2026. Mrs King told the Tribunal that she had contacted the Respondent's next of kin in April 2026 as she had not heard from the Respondent since January 2026. She received an immediate response from the Respondent to advise that he was still living in the property and would not be leaving until an eviction order was granted.
9. Mrs King told the Tribunal that the normal practice of the local authority, Fife council, is to advise tenants not to move out until an eviction order is granted and it is likely the council would have advised the Respondent not to move out until an order was granted if he had applied to them for rehousing.
10. Mrs King told the Tribunal that the Respondent first fell into arrears in January 2025. The Applicant was sympathetic and willing to agree to a repayment plan. Payments were somewhat erratic, but the Respondent managed to clear the arrears by June 2025. However, he fell back into arrears again shortly afterwards. Mrs King told the Tribunal that the Respondent advised at that time his mother had died and he had taken some time off work sick as a result. He later advised that he had lost his job.
11. Mrs King told the Tribunal that the Respondent was some type of ground worker and that when the weather was not suitable to work, he did not get paid. Mrs King told the Tribunal that she had advised the Respondent that if he ever had any difficulties in paying, he should speak to her to try to work something out. Mrs King told the Tribunal that she had agreed with the Respondent that he could pay his rent weekly to try to help him manage payments.
12. Mrs King advised that by November 2025 the Respondent had stopped making payments altogether and was no longer engaging with her or granting access to the property. As a result, a notice to leave was issued.
13. Mrs King told the Tribunal that she had organised an agent visit to the property in January 2026 after the notice to leave had expired to check if the Respondent was still living in the property as she had not heard from him. The agent spoke to the Respondent who advised that his phone had been cut off. The agent called Mrs King and put her on the phone to the Respondent. The Respondent advised he had no money but was due to start a new job. He had agreed to call back to make a payment arrangement once his new job started but did not get back in touch. Mrs King did not hear from the Respondent again until April 2026 when he got in touch by email after Mrs King had contacted his next of kin due to concerns about his welfare as she had not heard from him and the curtains in the house were always closed.
14. Mrs King advised that the Applicant does not have a mortgage on the property, but the rent arrears are still impacting the Applicant financially. The Applicant

has three children and was working part time to achieve a work/life balance. The Applicant owns another rented property and had similar problems with rent arrears at that property. She obtained an eviction order in respect of the other tenancy in March 2026. As a result of the arrears in both tenancies, the Applicant had to increase her hours at work and is currently having to work full time which is affecting her work/life balance with her children.

15. Mrs King told the Tribunal the Applicant intends to relet the property if an eviction order is granted.
16. Mrs King told the Tribunal she was not aware whether the Respondent had made any applications for benefits in periods where he was off work sick or out of a job. Mrs King told the Tribunal that she had made an application to the local authority requesting to have any Universal Credit housing costs the Respondent receives paid directly to the Applicant, but the application was unsuccessful. Mrs King told the Tribunal that she did not know when making the application whether the Respondent was actually receiving Universal Credit or not as she has not been able to find that out from the Respondent. Mrs King told the Tribunal the Respondent has never told her that he has made or intends to make an application for Universal Credit or any other benefit.
17. Mrs King told the Tribunal that, apart from the period of time off work sick due to bereavement, she was not aware of any health conditions or disabilities the Respondent has.
18. Mrs King told the Tribunal that the Respondent entered into the tenancy agreement after having split from his partner. At that time, he had two children, aged 15 and 5 and shared custody of them. Mrs King told the Tribunal the children would now be aged 18 and 8 but she does not know whether they still spend time at the property or whether the Respondent still has contact with them due to the lack of engagement from the Respondent.
19. Mrs King asked the Tribunal to grant the eviction order at the CMD.

Findings in Fact

20. The Applicant is the owner of the property.
21. The Respondent is the tenant of the property.
22. Parties entered into a Private Residential Tenancy ("PRT") on 07 June 2023.
23. The Rent agreed in respect of the PRT is £595 payable on the 7th of every month.
24. The Respondent has been in arrears of rent for more than three consecutive months and has not paid any rent at all since November 2025. The arrears as of 7 July 2026 are £6410.
25. On 27 November 2025 the Applicant, through her agent, served upon the Respondent a valid notice to leave as required by the 2016 Act. At that time the Respondent had been in arrears of rent since June 2025.
26. Prior to serving the notice to leave, the Applicant, through her agent, provided the Respondent, by way of email correspondence dated 4 March 2025, 20 March 2025, 2 October 2025 and 26 November 2025, with clear information about the amount of rent due, the level of arrears and sources of advice and assistance. The Applicant offered the Respondent an opportunity to enter into a repayment arrangement in respect of the arrears. The Respondent failed to adhere to previously agreed repayment agreements.

27. The Respondent has failed to respond to further offers to reach a payment agreement made by the Applicant's agent.

Reasons for Decision

28. The Tribunal was satisfied that the Respondent had received notice of the CMD and was content to continue in his absence.
29. The application to the Tribunal was made after the expiry of the notice period given in the notice to leave. The Tribunal was satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal was therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
30. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies".
31. The ground for eviction under which this application was made is the ground contained within paragraph 12 of schedule 3 of the 2016 Act. That ground is that the tenant has been in rent arrears for three or more consecutive months.
32. In terms of paragraph 12(3) of schedule 3 of the 2016 Act the Tribunal may find ground 12 applies where (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.
33. When considering whether it is reasonable to issue an eviction order the Tribunal is required by paragraph 12 (4) of schedule 3 of the 2016 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 requirements prescribed by the Scottish Ministers in regulations.
34. On the basis of the information contained in the application and provided by Mrs King at the CMD, and in the absence of any information from the Respondent, the Tribunal accepted that ground 12 had been established.
35. A rent statement was provided which showed the Respondent had been in arrears of rent for more than three consecutive months when the notice to leave was served on the basis of ground 12 on 27 November 2025. Further, the rent statement showed, and Mrs King confirmed, the Respondent has paid nothing to the rent account since November 2025, and the arrears are now £6410.
36. The Tribunal had no information to suggest that any application for a relevant benefit has been made or that there was any delay or failure in payment. The Tribunal noted the emails of 4 March 2025, 20 March 2025 and 26 November 2025 advised the Respondent he may be eligible for Universal Credit and provided him with details of where to seek advice about applying.
37. The Scottish Ministers have set out pre-action requirements in the Rent Arrears Pre-Action Requirements (Coronavirus)(Scotland) Regulations 2020. The Tribunal considered that the emails of 4 March 2025, 20 March 2025, 2 October 2025 and 26 November 2025 provided with the application demonstrated that the Applicant had complied with these requirements. Furthermore, the Tribunal accepted Mrs King's evidence that she had made

attempts to reach a repayment agreement with the Respondent and that he had stopped engaging with her.

38. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weight the various factors which apply to the parties.
39. In this case the Tribunal finds that it is reasonable to grant the order. The balance of reasonableness in this case is weighted towards the landlord in this application for the reasons set out in paragraph 40 below.
40. The Tribunal took into account that there is a possibility the Respondent may have children residing with him at the property. However, in light of the level of arrears, the period of time in respect of which there have been no payments at all, and the lack of engagement from the Respondent to address the increasing arrears, including a failure to lodge written representations with the Tribunal or to attend the CMD, despite being offered an opportunity to do so, the Tribunal considers it reasonable to grant the order sought.

Decision

41. The Tribunal decided to exercise the power within Rule 17 of the procedure rules to make a decision on the application at the CMD as the Tribunal considered it had sufficient undisputed evidence before it to do so. The Tribunal determined that an eviction order in favour of the Applicant should be granted against the Respondent.

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.

Lindsay Paterson

11/08/26

Legal Member/Chair

Date