



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

Chamber Ref: FTS/HPC/EV/26/1203

Re: Property at 8 Irene Hughes Drive, Rosyth Dunfermline, KY11 2DZ ("the Property")

Parties:

Kingdom Initiatives Limited, Saltire Centre Pentland Court, Glenrothes, KY6 2DA ("the Applicant")

Ms Teilah Guyan, 8 Irene Hughes Drive, Rosyth Dunfermline, KY11 2DZ ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal Member) and Ann Moore (Ordinary Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Eviction Order be granted.

1) Background

- 1.1 By Application dated 16th March 2026 the Applicant sought an order under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 22nd April 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 31st July 2026.
- 1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private Rental Tenancy agreement
- Notice to Leave ('NTL') and proof of service
- Head Lease
- Section 11 Notice
- Rent Statement
- Updated Rent Statement
- Pre Action Requirements correspondence

1.5 A Case Management Discussion was set to take place on 8 September 2026. Intimation was given to the Respondent by Sheriff Officers on 31 July 2026.

2) The Case Management Discussion

2.1 The CMD took place by tele conference on 8th September 2026. The Applicant was represented by Miss Donnelly. The Respondent was neither present nor represented.

2.2 The Applicant sought the Eviction Order based on Ground 12 of Schedule 3 of the Act.

2.3 Ms Donnelly explained that the property is a mid-market rent property. It was initially rented to the Respondent by the former Landlord Hilton of Rosyth NHT 2014 and the Applicant acquired the said Landlord's interest in the tenancy on 18th March 2022. The rent had increased during the course of the tenancy from £525.25 per month to the current rent of £550.20, The arrears at date of service of the NTL were £3252.54. The arrears at the date of lodging the Application were £4,562.94 and at the time of the CMD the arrears are £7841.65 all as shown in the Rent Statement and updated Rent Statement produced. The rent statements demonstrated that the Respondent had been in arrears of rent by an amount equal to or greater than the equivalent of one month's rent under the tenancy and had been in arrears for more than three or more consecutive months.

2.4 Ms Donnelly narrated that the Respondent had arranged a repayment plan with the Applicant in September 2024 but did not adhere to this, as shown in the Rent statement. The arrears are significant and the Land Lord is suffering from a loss of income to apply towards maintenance of their development and secured funding.

2.5 Ms Donnelly was asked about the personal circumstances of the Respondent. She stated she understood her to be around 36 years old. She lived alone,. She had children but they were understood to live with their father. She had not engaged with the Applicant's housing team. The last visit by the housing team was 28th April 2026. The Respondent had been in the garden at the time. She talked of having poor mental health. She had received support from Woman's Aid and the local Council. Ms Donnelly understood that the Respondent had received benefits but most recently they may have been halted due to a lack of engagement. Ms Donnelly was asked if the Applicants have welfare benefit staff. She did not know but she pointed to information regarding welfare benefits

and other support having been given to the Respondent with the pre action correspondence.

- 2.6 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 and Law

- 3.1 The Tenancy agreement is a Private Rental Tenancy Agreement which commenced on 10th May 2019.
- 3.2 On 26th January 2026 the Applicant served Notice to Leave on the Respondent under Ground 12 of Schedule 3 to the Act. The Notice to Leave became effective from 26th February 2026. The Notice was correctly drafted and provided sufficient Notice.
- 3.3 The Respondent had been in arrears of rent by an amount equal to or greater than the equivalent of one month's rent under the tenancy and has been in arrears for more than three or more consecutive months.
- 3.4 The basis for the Order for possession was accordingly established.

4) Issue For The Tribunal

- 4.1 The issue for the Tribunal is to determine whether or not it is reasonable to grant the Order.
- 4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
- 4.3 The Tribunal found that the Applicant is entitled to recovery of the property. The Tribunal had regard to the significant level of rent arrears. The Respondent has not engaged with the Applicant nor with the Tribunal process. The Applicant has tried to engage with the Respondent by housing officer visits and correspondence. The Applicant had made an arrangement for payment of the rent arrears with the Respondent which she failed to maintain. The Applicant provided the Respondent with information setting out sources of support.

4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

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.

H Macandrew

Legal Member/Chair

8th September 2026

Date