



**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/26/1796

**Re: Property at 53 Carron Place, Irvine, North Ayrshire, KA12 9NF (“the
Property”)**

Parties:

**Easton Property Merkland Limited, 2 Newfield Drive, Dundonald, South
Ayrshire, KA2 9EW (“the Applicant”)**

**Ms Julie McConnachie, 53 Carron Place, Irvine, North Ayrshire, KA12 9NF (“the
Respondent”)**

Tribunal Members:

Hilary Macandrew (Legal Member) and Mary Lyden (Ordinary Member)

Decision in absence of Respondent

Decision

**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 21st April 2026 the Applicant sought an order Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (‘The Act’).
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 12th May 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 12th August 2026.

1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Tenancy agreement
- Notice to Leave
- Section 11 Notice
- Rent Statement
- Arrears Repayment Plan Template
- Rent Increase Notices
- Pre Action correspondence

1.5 A Case Management Discussion was set to take place on 6th October 2026. Intimation was given to the Respondent by Sheriff Officers on 12th August 2026.

2) The Case Management Discussion ('CMD')

2.1 The CMD took place by tele conference on 6th October. Ms Barclay a Property Manager employed by the Applicant represented the Applicant. The Respondent did not take part. The Respondent had submitted no submission nor documentation in advance of the CMD.

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

2.3 Ms Barclay sought eviction. She confirmed that the Applicant was seeking eviction based on rent arrears. When the Notice to Leave was served on 23rd February 2026, the arrears were £3,030. When the Application to the Tribunal was made the arrears were £3,210. At the date of the Tribunal they were £3,310. She made reference to the rent statement produced with the Application and an updated rent statement produced and lodged with the Tribunal on the morning of the CMD.

2.4 Ms Barclay told the Tribunal that the Respondent has been a tenant for 7 years. The property is a three bedroom mid terraced house. The Applicant lives in the property with a male adult. She believes there are no children living in the property. The rent is paid directly from the Respondent and there is no suggestion that it is paid by benefits or that there is a benefits issue. The rent was paid regularly until 1st November 2024, with the exception of a small underpayment in July 2019 and an unpaid month's rent in February 2024. On 1st May 2021 the rent was increased from £450 per month to £460 per month. On 1st November 2024 the rent was increased from £460 per month to £600 per month. The Respondent paid £460 per month from 1st May 2021 until 1st April 2026 leaving a shortfall of £140 per month from the date of the increase on 1st November 2024. The rent was increased to £620 per month on 1st January 2026. The Respondent continued to pay £460 per month until 1st April 2026 when she increased payments to £600 per month. At the time of the CMD the Respondent continues to pay £600 per month leaving a shortfall in the

current rent of £20 per month. Notice to Leave was served on 23rd February 2026 effective from 26th March 2026. Pre Action correspondence had been issued by the Applicant to the Respondent and was lodged with the Application.

- 2.5 Ms Barclay told the Tribunal that the Respondent is not engaging with the Applicant regarding the rent arrears. She has never provided a reason for not paying the full rent. She did not provide any objection or feedback when the rent was formally increased. The Applicant has intimated to the Respondent that a gas inspection is to take place on 7th October 2026. The Respondent has acknowledged this by email. The only communication regarding these proceedings which the Applicant has received from the Respondent is that she says she will continue to pay £600 per month by way of rent until the eviction is granted. Ms Barclay knew of no disability or vulnerability of the Respondent which might impact on her paying rent or communicating with the Applicant. Ms Barclay is the Housing Manager for the property. She did not know of any home visits or welfare checks being carried out on the Respondent. She believed there were no welfare issues, given that the Respondent had been in touch to say she would pay the said £600 towards rent per month until the eviction was granted, that she had acknowledged intimation of the gas check and that she had in 2024 complained about a fence having blown over and not having been timeously repaired.
- 2.6 Ms Barclay was asked about the Applicant's circumstances. They are commercial residential landlords with a portfolio of about 20 properties. They have secured borrowing. They have properties requiring maintenance and they employ staff. They require the rent to meet these costs. The arrears of rent is impacting on their ability to maintain other properties and potentially pay staff. She was asked for an explanation in respect of the significant rent increase of 30% on 1st November 2024. She explained that she assumed the rent had not increased in line with market rents since the tenancy started on 1st March 2019. The increase was in line with market rent and is currently in line with current market rent.
- 2.7 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 CMD 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 Contractual Tenancy Agreement commenced on 1st March 2019.
- 3.2 On 23rd February 2026 a Notice to Leave was served on the Respondent bringing the tenancy to an end on 26th March 2026.
- 3.3 The Notices was correctly drafted and provided sufficient Notice.

- 3.4 The Respondent was in arrears of rent at the time the Notice to Leave was served and at the time these proceedings were raised. The Respondent was in arrears at the date of the CMD. Ground 12 was met.
- 3.5 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 level of rent arrears and the circumstances of the Applicant. The Tribunal had regard to the fact that the Respondent is not engaging and has given no explanation for the continual shortfall in payment of her rent. The Respondent is a sole tenant with no known children residing with her. She is understood to pay rent without the assistance of state benefits. The property is a three bedroom mid terrace house. The Tribunal had regard to the circumstances of the Respondent as narrated by the Applicant.
- 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**

**6th October 2026
Date**