



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/EV/24/0171**

**Re: Property at 23 Clashrodney Road, Cove Bay, Aberdeen, AB12 3UP (“the Property”)**

**Parties:**

**Miss Jayne Simpson, 358 Lee Crescent North, Aberdeen, AB22 8GL (“the Applicant”)**

**Mr Stewart Dalling, 23 Clashrodney Road, Cove Bay, Aberdeen, AB12 3UP (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**BACKGROUND**

1. By lease dated 18 July 2022 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 18 July 2022.
3. The rent payable is £650.00 per calendar month payable in advance.
4. The Applicant fell into arrears of rent. A Notice to Leave dated 3 August 2023 was served upon the Respondent intimating he was in arrears of rent for over three consecutive months. A subsequent Notice to Leave dated 18 October 2023 intimated the Respondent was in substantial arrears of rent (equivalent to 6 months worth of rent).

5. A Notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to Local Authority.
6. An application was subsequently presented to the Tribunal seeking an order for eviction.

## **THE CASE MANAGEMENT DISCUSSION**

7. The Applicant did not participate personally in the Case Management Discussion but was represented by Miss Leanne Young of DJ Alexander Lettings, Aberdeen. The Respondent participated personally.
8. Miss Young confirmed the Applicant was seeking an eviction order on the basis of rent arrears. She advised that, as of the date of the Case Management Discussion – 24 June 2024 – the arrears of rent amounted to £10,086.00.
9. The Respondent, Mr Dalling, accepted he was in arrears of rent. He accepted the arrears amounted to £10,086.00.
10. The rent statement provided to the Tribunal did not accurately reflect the rent arrears nor the running total of arrears. It was accepted by the Respondent, however, that he had made no payments since March 2023 and, as stated, the arrears currently amounted to £10,086.00.
11. The Respondent advised the Tribunal he resided at the Property himself. He is 49 years of age. He is unemployed. He does not receive any benefits due to savings he has. He requires to use those savings on an ongoing basis for his day to day living expenses.
12. He accepted that he had not been focused in recent times due to various health difficulties he has. He was previously in employment and was working when he first suffered ill health. He was thereafter “paid off”. He has been in hospital for a period of time.
13. He has not engaged with the local authority nor any housing association with a view to securing alternative accommodation. He advised that, because he does have savings, he will be able to arrange alternative accommodation when he vacates the Property. He confirmed, for the avoidance of any doubt, that he did not oppose the application for an order of eviction.

## **FINDINGS IN FACT**

14. The Tribunal found the following facts to be established:-
  - a) By lease dated 18 July 2022 the Applicant let the Property to the Respondent.
  - b) The start date of the tenancy was 18 July 2022.
  - c) The rent payable is £650.00 per calendar month payable in advance.

- d) The Applicant fell into arrears of rent. A Notice to Leave dated 3 August 2023 was served upon the Respondent intimating he was in arrears of rent for over three consecutive months.
- e) A subsequent Notice to Leave dated 18 October 2023 intimated the Respondent was in substantial arrears of rent (equivalent to 6 months worth of rent).
- f) A Notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to Local Authority.
- g) The Respondent is in arrears of rent amounting to £10,086.00.
- h) The Respondent has not made payment of rent since March 2023. He has, therefore, been in arrears of rent for over three consecutive months.
- i) The Respondent is not eligible to receive any state benefits. The arrears, therefore, are not due to any delay or failure in the payment of any relevant benefit.
- j) The Respondent does not oppose the granting of an eviction order.

## **REASONS FOR DECISION**

15. Having regard to the level of arrears, the fact that no rent payments have been made since June 2023, taken together with the fact the Respondent did not oppose an order for eviction, the Tribunal concluded that it was reasonable to grant the order sought by the Applicant.

## **DECISION**

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 31 July 2024

## **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.**

**Virgil Crawford**

**24 June 2024**

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**Date**