



**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**

**Chamber Ref: FTS/HPC/EV/24/3115**

**Re: Property at 245 G/L Clepington Road, Dundee, DD3 7UE (“the Property”)**

**Parties:**

**Mr Brian Cruickshank, Mrs Rhonda Cruickshank, Pinewood, Wester Balruddery, Invergowrie, Dundee, DD2 5JL; Pinewood, Wester Balruddery,, Invergowrie, Dundee, DD2 5JL (“the Applicants”)**

**Ms Sandra Lobban, 245 G/L Clepington Road, Dundee, DD3 7UE (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicants. It called for case management discussion (‘CMD’) at 2pm on 4 December 2024, by teleconference. The Applicants were represented on the call by Mr Greg Gardiner and Ms Anna Paczkowska, both of Easylets Ltd. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case she was experiencing any technical difficulty; but there remained no contact from her.

Notice of the CMD and a copy of the application were served on the Respondent on 29 October 2024 by sheriff officers. The Tribunal therefore considered that she was aware of the CMD and that it was fair to proceed in her absence, on the basis that she was not opposing the application.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 28 June 2019.
2. In terms of the tenancy agreement, rent of £360 is due every four weeks.
3. The Respondent has been in arrears of rent since 10 July 2023.
4. While she has made occasional rental payments, the arrears have continued to increased since then and, on 25 June 2024, totalled £3,628.
5. On 16 May 2024, the Applicants sent the Respondent a notice to leave, stating that they would rely on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.

#### Reasons for Decision

6. On the basis of the facts as above, the Tribunal considered that Ground 12 of Schedule 3 to the Act was satisfied. The Respondent has been in arrears for 16 consecutive months, which is a substantial period of time. The arrears are now substantial. She has not engaged with the Applicants or the tribunal process to give any indication how these might be addressed. On that basis, the Tribunal considered it was reasonable to grant an order for her eviction.

- Decision

**Eviction order granted.**

**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.

Nairn Young

12<sup>th</sup> December 2024

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Legal Member/Chair

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Date