



**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/24/3397**

**Re: Property at 76 Balgate Mill, Beaulay, IV4 7GL (“the Property”)**

**Parties:**

**HHA3 LLP, 28 Queensgate, Inverness, IV1 1DJ (“the Applicant”)**

**Ms Laura Mackenzie Sandeman, unknown, unknown (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Frances Wood (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 Applicant. It called for case management discussion (‘CMD’) at 2pm on 9 January 2025, by teleconference. The Applicant was represented on the call by Ms Kelly Campbell and Ms Gail Matheson and by Ms Callaghan, of TC Young, solicitors. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 5 minutes in case she was experiencing any technical difficulty; but there remained no contact from her.

Notice of the application and the CMD was served by advertisement placed on the Tribunal website on 12 December 2024. The Tribunal therefore considered that proper notice had been given and that it was fair to proceed on the basis the matter was unopposed.

- 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 9 May 2023.
2. In terms of the tenancy agreement, rent of £648.58 is due on the 1<sup>st</sup> day of each month.
3. The Respondent paid no rent on 1 December 2023 and has made no rental payments since that date.
4. On 22 December 2023, Police Scotland contacted the Applicant's agents to report that the Property appeared empty and was unsecured.
5. On 7 and 26 March 2024, the Applicant's agent sent the Respondent letters conforming with the pre-action requirements prescribed by Scottish Ministers for rent arrears cases.
6. On 29 April 2024, the Applicant sent the Respondent a notice to leave, stating that it would rely on Grounds 10 and 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
7. The Respondent's whereabouts cannot be traced; and she has not occupied the Property as her home since, at latest, 23 December 2023.
8. There is no issue with the state of repair of the Property.

9. As at the date of the CMD, the Respondent's rent arrears stood at £9,282.50.

- Reasons for Decision

10. On the basis of the facts as above, the Tribunal considered that Grounds 10 and 12 of Schedule 3 to the Act was satisfied. The Property has been unoccupied for over a year and the Respondent cannot be traced. There has been no evidence presented to suggest that there is any failure in respect of the Applicant's duties to maintain the Property. The Respondent has also been in arrears for 13 consecutive months, which is a substantial period of time. There is no prospect of the arrears being addressed, given the inability to trace the Respondent. On that basis, the Tribunal considered it was reasonable to grant an order for eviction in respect of either or both grounds.

- 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

09/01/2025

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**Legal Member/Chair**

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**Date**