

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

---



**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/24/3219**

**Re: Property at 63 Balfour Street, Bannockburn, Stirling, FK7 0NG (“the Property”)**

**Parties:**

**Mr Stewart Horsburgh, 19 Meadowlands, Port Stewart, Londonderry, BT55 7FG (“the Applicant”)**

**Miss Shirley Kane, 63 Balfour Street, Bannockburn, Stirling, FK7 0NG (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (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 order for eviction be granted against the respondent**

**Introduction**

This application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.

Intimation of the application and of the initial Case Management Discussion (CMD) in both applications were effected upon the respondent by Sheriff Officers on 18 February 2025.

The CMD took place by teleconference on 27 March 2025 at 2.00 pm. The applicant was represented by Miss Karen Rae of O'Malley Property. The respondent represented her own interests. The respondent failed to participate in the hearing. There was no known barrier to her doing so.

### Findings and Reasons

The property is 63 Balfour Street, Bannockburn, Stirling FK7 0NG. The applicant is Mr Stewart Horsburgh who is the heritable proprietor and registered landlord. The respondent is Miss Shirley Kane who is the tenant.

The parties entered into a private residential tenancy which commenced on 2 August 2023. The agreed rent in terms of the written lease was £700 per month.

The current eviction proceedings are based upon arrears of rent and the ground relied upon is ground 12, contained within Part 1, Schedule 3 to the 2016 Act, namely that the respondent is in rent arrears over three consecutive months..

The Notice to Leave is dated 11 June 2024. 28 days' notice was required to be given. The notice stated an application would not be submitted to the tribunal for an eviction before 12 July 2024. The notice to leave was served upon the respondent by email on 11 June 2024 which is evidenced. Sufficient statutory notice was given.

The application is supported by an up to date detailed rent statement which reflects the arrears of rent relied upon. The tribunal found this a credible and reliable document and attached weight to it. As at the date of application being processed £2,400 was outstanding. The arrears have now increased to £2,850 as at the date of the hearing.

The tribunal was satisfied that more than three consecutive months of rent remains unpaid by the respondent. This establishes ground 12. The tribunal proceeded to consider the issue of reasonableness.

The respondent resides with a teenage son who is of school age. She is known to be employed. She has no known disabilities or other vulnerabilities.

DWP direct payments are being received by the applicant now in the sum of £650 per month. There is a shortfall which the respondent has advised that she cannot top up nor can she clear the arrears.

There is evidence that the local authority has been advised of the eviction proceedings with a relevant section 11 notice having been issued by the applicants. It is likely that in the event of an eviction order being granted that the local authority will make alternative accommodation available to the respondent and her family.

The rent arrears pre-action requirements have been fulfilled by advice being provided to the respondent.

In all of the circumstances the tribunal determined that it was reasonable to grant the eviction order sought by the applicant.

### **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.**

Richard Mill

**27 March 2025**

---

**Legal Member/Chair**

---

**Date**