

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 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/0473

Re: Property at 77 High Street, Carnoustie, DD7 6AD (“the Property”)

Parties:

Mr Christopher Shields, 35 Glenorchy Road, North Berwick, East Lothian, EH39 4QD (“the Applicant”)

Miss Tarirayi Njanike, 77 High Street, Carnoustie, DD7 6AD (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 28 April 2025. The Applicant was personally present. The Respondent was also personally present.

[4] The Respondent accepted that she had accrued rent arrears in the sum of £7,800.00. and that she had not paid any rent at all since March 2024. The Tribunal discussed this with the Respondent. The Respondent explained that she worked full time as a nurse. She worked 44 hours a week. She explained that as soon as got paid she would spend her money immediately on gambling and drinking. The Applicant explained that the consequences of the Respondent’s non-payment of rent on him were significant. The Applicant still had to pay the mortgage on the Property in the sum of around £350.00. The Applicant had recently been made redundant. The Respondent lived alone in the Property. She appeared to have no legitimate defence to the Application and simply made reference to her gambling issues.

[5] Having heard from parties and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy within the meaning of the Act;*
- 2) *The Respondent has stopped paying rent and has accrued rent arrears in the sum of £7,800.00. There is nothing to suggest that these arrears will do anything other than increase. The Respondent lives alone and is in full time employment but squanders her money on gambling every month. The non-payment of rent has a significant financial impact on the Applicant.*
- 3) *The Applicant has made efforts to negotiate a payment plan and has signposted the Respondent to sources of financial support;*
- 4) *The Applicant competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established as at today’s date;*
- 5) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*

Reasons for Decision

[6] Having made the above findings in fact, the Tribunal considered that the ground set out in the notice to leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order.

Right of Appeal

[6] 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.

Andrew McLaughlin

Andrew McLaughlin
Legal Member/Chair

28 April 2025
Date