

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/24/4524

Property : 3C Walker Place, Arbroath DD11 1HQ ("Property")

Parties:

William Hutchison and Cheryl Hutchison, 1 Walker Place, Arbroath DD11 1HQ ("Applicant")

Direct Lettings (Scotland) Ltd, 5-6 Melville Place, Edinburgh EH3 7PR ("Applicant's Representative")

Jordan Moody and Billie Moody, 3C Walker Place, Arbroath DD11 1HQ ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 12 July 2021 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 5 August 2024 ("Notice to Leave") with covering email addressed to each Respondent dated 5 August 2024; statement of rent arrears; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering letter dated 1 October 2024. The Application was served on the Respondent by sheriff officer on 26 March 2025.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal on 9 June 2025 by teleconference. The Applicant was represented by Laura Weir of the Applicant's representative. The Respondent was not in attendance.

Ms Weir told the Tribunal that the Respondent were brother and sister. She said she believed that Mr Moody had moved out of the Property and Ms Moody continued to occupy the Property with a partner. She said there were no children living in the Property and she was not aware of the Respondent having any disabilities. Mrs Weir said that the arrears had started to accumulate after Mr Moody left the Property. She said that the arrears are now £8,426 and that no rent had been paid since September 2023. She said that if an order for possession was granted, the arrears were such that the Applicant would have to sell the Property. Mrs Weir said that attempts had been made to contact the Respondent in order to discuss the arrears and to gain access for a property inspection without success.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 12 July 2021.
2. The Notice to Leave was served by email on 5 August 2024.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 1 October 2024.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established.

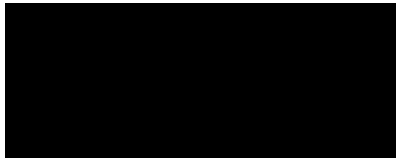
Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.



**Joan Devine
Legal Member**

Date : 9 June 2025