



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/25/0286

Re: Property at 42 Elmfield Terrace, Aberdeen, AB24 3NY (“the Property”)

Parties:

Mutley Enterprises Limited, 36 Angusfield Avenue, Aberdeen, AB15 6AQ (“the Applicant”)

Mr Matthew Buchan, 42 Elmfield Terrace, Aberdeen, AB24 3NY (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By Lease dated 22nd April 2024 the Applicant let the Property to the Respondent.
2. The start date of the Lease was 22nd April 2024.
3. Rent is payable at the rate of £650.00 per calendar month, payable monthly and in advance.
4. Arrears of rent began with a failure to make payment on 1st August 2024. Thereafter, no further payments of rent were made by the Respondent.
5. A notice to leave dated 6th December 2024 was served upon the Respondent. As at that date arrears of rent amounted to £2,600.00.
6. Correspondence was forwarded by the Applicants to the Respondent in relation to the rent arrears and in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 (“PAP”)

7. On 23rd January 2025 the Applicant presented two separate applications to the Tribunal. One seeking an order for eviction (EV/25/0286) and one seeking a payment order in relation to arrears of rent (CV/25/4371).
8. As at 23rd January 2025 arrears of rent amounted to £3,250.00. The application for a payment sought an order in that amount “plus any rent that falls due from 1st February 2025 to date of eviction”.
9. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

10. A Case Management Discussion was assigned to call by teleconference at 10:00am on 6th June 2025. The Applicant was represented by Mr Martin Watt and Mrs Laura Watt. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.
11. In advance of the case management discussion the Applicant submitted to the tribunal an updated rent statement. This rent statement disclosed that, as at the date of the case management discussion, rent arrears amounted to £6,500.00. That figure, however, included a payment due on 1st June 2025 which payment was an advance monthly payment for the entire month of June.
12. Mr Watt, on behalf of the Applicant, confirmed that the Applicant was seeking an order for eviction and an order for payment of rent arrears.

Eviction

13. An eviction order was sought on the basis of rent arrears. No rental payments have been made since July 2024. The payment due on 1st August 2024 was not made and no further payments have been made. 1st June 2025 is the 11th consecutive month no payment has been received.
14. There was no information before the Tribunal to suggest that arrears of rent were due to any delay or failure of payment in any relevant benefit.
15. In relation to the Respondent’s personal circumstances, he is believed to be in his 30’s in terms of age. He is a single person. He resides at the Property alone. No children reside with him. He was previously in employment but, based on information provided to the Applicant’s representatives by neighbours, it is understood he may have lost his employment during February 2025. That appears to be an anecdotal information based upon the fact that he is at the Property much more than he was previously during what would be considered his normal working hours.
16. The Applicant is not aware of any medical conditions affecting the Respondent.

17. Neither Mr nor Mrs Watt have been able to contact the Applicant. The mobile telephone number they have for him no longer works. The email address they had for him no longer appears to be valid. They are not aware of any reason for non-payment of rent. While there is a suggestion that he may now be unemployed, that would only have been the case since February 2025 at the earliest. Rent arrears, however, commenced as far back as August 2024.
18. The Tribunal was provided with a previous decision of the tribunal in relation to a Mr Matthew Buchan of Aberdeen (CV/22/1463). This decision related to a previous payment order made for non-payment of rent. The Applicant believes this is the same Mr Buchan.
19. In the circumstances, the Tribunal granted an order for eviction.

Rent Arrears

20. In relation to arrears of rent, an updated rent statement was provided to the Tribunal prior to the Case Management Discussion. The updated rent statement disclosed arrears now amounting to £6,500.00 with no payments whatsoever since July 2024.
21. On the basis rent is paid monthly and in advance, as at the date of the Case Management Discussion, the actual figure of rent outstanding is £5,978.22.
22. In the circumstances, the Tribunal granted a payment order in that amount.

FINDINGS IN FACT

23. The tribunal found the following facts to be established:-
 - a) By Lease dated 22nd April 2024 the Applicant let the Property to the Respondent.
 - b) The start date of the lease was 22nd April 2024.
 - c) Rent is payable at the rate of £650.00 per calendar month, payable monthly and in advance.
 - d) Arrears of rent began with a failure to make payment on 1st August 2024. Thereafter, no further payments of rent have been made by the Respondent.
 - e) A notice to leave dated 6th December 2024 was served upon the Respondent. As at that date arrears of rent amounted to £2,600.00.
 - f) Correspondence was forwarded by the Applicant to the Respondent in relation to the rent arrears and in compliance with the PAP.
 - g) As at 23rd January 2025, the date of the application to the Tribunal, arrears of rent amounted to £3,250.00.
 - h) As at 6th June 2025, the date of the Case Management Discussion, arrears of rent amounted to £5,978.22.
 - i) The Respondent has been in arrears of rent for 3 or more consecutive months.
 - j) The arrears are not due to any delay or failure in payment of any relevant benefit.
 - k) A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.

REASONS FOR DECISION

24. In relation to the eviction, no payment of rent had been made for a period of 11 months. No representations were made to the Tribunal by the Respondent in relation to the failure to pay.
25. On the basis of the information provided to the Tribunal, the Respondent is an adult male with no dependants, no known health difficulties and no other known vulnerabilities.
26. In the circumstances, having regard to the significant level of rent arrears and the absence of any information to justify the same, the Tribunal considered it reasonable to grant an order for eviction.
27. In relation to rent arrears, no submissions were submitted to the Tribunal challenging the level of arrears claimed. No information was available to suggest that any arrears were as a result of any failure or delay in payment of any relevant benefit. In the circumstances, the Tribunal considered it appropriate to grant an order for payment.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act

Order not to be executed prior to 12 noon on 14th July 2025

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.

Virgil Crawford

6 June 2025

Legal Member/Chair

Date

