



**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/24/5380**

**Re: Property at 1H Macbeth Drive, Kilmarnock, KA3 7HN (“the Property”)**

**Parties:**

**Mr David Hannah, Mr Neil McMillan, 7 Balcomie Crescent, Troon, KA10 7AR (“the Applicants”)**

**Miss Amanda MacKinnon, 1H Macbeth Drive, Kilmarnock, KA3 7HN (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**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 Applicants. It called for case management discussion (‘CMD’) at 2pm on 28 May 2025, by teleconference. The Applicants were represented on the call by Mr Dean, of Bannatyne Kirkwood France & Co., solicitors. The Respondent was on the call in-person.

- Findings in Fact

The Respondent did not oppose the factual basis of the application and, insofar as she made representations in regard to the reasonableness of any order, these were not disputed by the Applicants. The Tribunal therefore considered the following unopposed facts as relevant to its decision:

1. The Applicants let the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 26 October 2023.
2. In terms of the tenancy agreement, rent of £475 is due on the 26<sup>th</sup> day of each month.
3. The Respondent paid no rent on 26 April 2024 and has been in arrears since that date.
4. On 11 November 2024, the Applicants' agent sent the Respondent emails conforming with the pre-action requirements prescribed by Scottish Ministers for rent arrears cases.
5. On 16 September 2024, the Applicants' agent sent the Respondent a notice to leave, stating that they would rely on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
6. The Respondent paid £300 on 29 May and 16 June 2024, and a further £30 on 18 June 2024, but has made no payment since; with the result that the arrears, as at the date of the CMD, stood at £6,020.
7. The Respondent has suffered from mental and physical health problems, which have resulted in her currently being unemployed.
8. The Respondent is currently in receipt of Universal Credit, including a housing element.

9. The Respondent has not yet contacted the local authority to discuss being rehoused.

10. The Respondent currently lives on her own at the Property; although she did previously have her children aged 14 and 15 to stay for half the week.

- Reasons for Decision

11. On the basis of the facts as above, the Tribunal considered that Ground 12 of Schedule 3 to the Act was satisfied. The Respondent has been in arrears for 13 consecutive months, which is a substantial period of time. There is no sign of the arrears being addressed; indeed they have continued to increase.

While the Respondent was candid in accepting the arrears, and in setting out the various problems she has had in recent months, she did not have any proposal to make as to how these might ultimately be addressed. It is not reasonable to expect the Applicants to wait any longer for the matter to be resolved. On that basis, the Tribunal considered it was reasonable to grant an order for eviction.

- 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

28<sup>th</sup> May 2025

---

Legal Member/Chair

---

Date