

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

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**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/24/4454**

**Re: Property at 92 King Street, Falkirk, FK2 9AL (“the Property”)**

**Parties:**

**Mr Robert R Veitch, 41 Blinkbonny Road, Falkirk, FK1 5BY (“the Applicant”)**

**Mr Stuart Pierson, 92 King Street, Falkirk, FK2 9AL (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.**

**Background**

1. An application was received by the Housing and Property Chamber dated 23<sup>rd</sup> September 2024. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on grounds 1 and 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 1<sup>st</sup> March 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 8<sup>th</sup> May 2025 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 22<sup>nd</sup> March 2025.
3. On 4<sup>th</sup> March 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 4<sup>th</sup> March 2025.

4. On 11<sup>th</sup> April 2025 the Applicant's representative emailed the Housing and Property Chamber requesting that the sum of the arrears be amended to £9078. Attached with this email was a rent account for the period 21<sup>st</sup> October 2021 to 1<sup>st</sup> April 2025.
5. On 22<sup>nd</sup> April, the Respondent emailed the Housing and Property Chamber attaching a Pre Action Requirements letter dated 22<sup>nd</sup> April 2025 which he had received from the letting agent.
6. The case was conjoined with case FTS/HPC/CV/24/4452.

### The Case Management Discussion

7. A CMD was held on 8<sup>th</sup> May 2025 at 2pm by teleconferencing. The Applicant was present and was represented by Ms Simone Callaghan. Ms Xiaoping Wang, the Applicant's wife, was present for moral support but took no part in the CMD. Ms Anne Johnson, the Applicant's letting agent, was also present but took no part in the CMD. The Respondent was present and represented himself.
8. Ms Callaghan told the Tribunal that the Applicant now wished to sell the Property. There has been a breakdown in the relationship with the Respondent and he no longer wishes to let this property. This is the only property that he lets out in his sole name. He has two others that he lets out with his wife but he does not have the intention to sell these at the moment. He has instructed an estate agent to proceed with selling the Property once he has vacant possession.
9. Ms Callaghan also said that there are arrears of £9078 on the Property's rent account. The Respondent did not dispute that this amount has accrued through him not paying his ongoing rent charge. However, he does dispute that this is all due to the Applicant as he had to take 7 days off from his work to allow contractors to come to the Property to undertake repairs. For 6 of those days the contractors did not show. The dispute over how much of the arrears should be paid is being addressed in the conjoined case.
10. The Respondent said that he was not opposing an order for eviction.
11. Given that the Respondent was not opposed to an order for eviction being granted the Tribunal considered that there were no issues of reasonableness preventing an order for eviction being granted. The Tribunal granted the Order for eviction.

### Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 22<sup>nd</sup> October 2021.

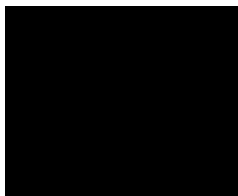
13. The Respondent persistently failed to pay his rent charge of initially £550 per month then from 1<sup>st</sup> September 2024 £616 per month. The rent payments are due to be paid on the first day of each month.
14. Arrears accrued to more than three months' rent payments at the date of application and was more than one month's rent payments at the date of the hearing.
15. The Respondent is not opposed to an order for eviction being granted.
16. The arrears sought totalled £9078. Though some of the arrears are in dispute It is not in dispute that the amount of £9078 has accrued through missed rent payments but whether those arrears require to be fully addressed by the Respondent due to contractors not attending on specified days to undertake repairs. That dispute is being addressed by the conjoined application for payment.
17. The Applicant wishes now to sell this property and has instructed an estate agent to undertake this once the Respondent has left the Property.
18. There are no issues of reasonableness that prevent an order from being granted.

#### Decision

19. The Tribunal found that grounds 1 and 12 have been established and granted an order in favour of 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.**



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**Legal Member/Chair**

**8<sup>th</sup> May 2025**

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**Date**