

**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/24/5434**

**Property : 20 Blackhill Brae, Crossgates, Fife KY4 8AX ("Property")**

**Parties:**

**LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way, Dunfermline KY11 8PL ("Applicant")**

**TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA ("Applicant's Representative")**

**Jamie Forsyth, 20 Blackhill Brae, Crossgates, Fife KY4 8AX ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Eileen Shand (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 29 June 2023 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 27 August 2024 ("Notice to Leave") with covering email dated 27 August 2024; statement of rent arrears; correspondence indicating compliance with the pre-action requirements; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 25 November 2024. The Application was served on the Respondent by sheriff officer on 29 April 2025. On 2 July 2025 the Applicant's Representative lodged an updated statement of arrears along with copy letter to the Respondent dated 2 July 2025 intimating the updated statement of arrears.

### **Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 17 July 2025 by teleconference. Simone Callaghan of the Applicant’s Representative was in attendance. The Respondent was not in attendance.

Ms Callaghan told the Tribunal that the Respondent had told the Applicant that he had trouble paying the rent due to a change in his job which impacted his finances. He also said his bills had increased. She said that the Applicant made a right of entry application and having entered the Property it appeared to them that the Respondent was not living in the Property although his belongings were still there. Ms Callaghan told the Tribunal that the Applicant was in touch with the Respondent on 1 July 2025 and he told them he had moved out of the Property but he has not returned the keys. Ms Callaghan said that no element of the rent was paid by benefits. She said that the Respondent lives in the Property alone although he does have a child who lives elsewhere. She said the Applicant was unaware of the Respondent having any illness or disability and the Property has not been adapted in any way.

### **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 29 June 2023.
2. The Notice to Leave was served by email on 27 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. The Applicant had complied with the pre-action protocol prescribed by the Scottish Ministers.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

### **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. The Tribunal had seen evidence of compliance with the pre-action requirements.

Having considered all of the circumstances, and in the absence of a submission on behalf of 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

**Joan Devine  
Legal Member**

**Date : 17 July 2025**