

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/25/1595

Re: Property at 20 Elizabeth Street, Dunfermline, KY11 4AY (“the Property”)

Parties:

AM Property Invest Ltd, 4 Wangey Road, Romford, Essex, RM6 4DD (“the Applicant”)

Mr Peter Smith, 20 Elizabeth Street, Dunfermline, KY11 4AY (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

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 Applicant. It called for case management discussion (‘CMD’) at 10am on 1 July 2025, by teleconference. The Applicant was represented on the call by Mr Muhammad Adil, one of its directors, and by Mr Gallagher, of Kee Solicitors. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case he was experiencing any technical difficulty; but there remained no contact from him.

Notice of the application and the CMD was served on the Respondent by sheriff officers on 22 May 2025. The Tribunal therefore considered that he was aware of the CMD and had chosen not to enter opposition; and that it was fair to proceed in his absence.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 1 December 2021. The Applicant acceded to the landlord's interest in the tenancy on its purchase of the Property on 10 November 2024.
2. In terms of the original tenancy agreement, rent of £550 was due on the 1st day of each month. By notice, this was raised to £616 per month from 1 August 2024.
3. The Respondent paid no rent on 1 March 2024 and has been in arrears since that date.
4. On 2 May and 25 May 2024, the Applicant's agent sent the Respondent letters conforming with the pre-action requirements prescribed by Scottish Ministers for rent arrears cases.
5. On 12 March 2025, sheriff officers delivered the Respondent a notice to leave from the Applicant, stating that it 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 has made no payments to the rent account since falling into arrears, with the result that the arrears, as at the date of the CMD, stood at £9,526.

- Reasons for Decision

7. 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 16 consecutive months, which is a substantial period of time. There is no sign of the arrears being addressed; indeed they have continued to increase. 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

1st July 2025

Legal Member/Chair

Date