



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/24/4022

Re: Property at 89 Craigearn Avenue, Kirkcaldy, Fife, KY2 6YS (“the Property”)

Parties:

Mrs Caroline Nolan, 45 Turriff Place, Kirkcaldy, Fife, KY2 6RL (“the Applicant”)

Mr Daniel Conway, 89 Craigearn Avenue, Kirkcaldy, Fife, KY2 6YS (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Ahsan Khan (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 11 July 2025, by teleconference. The Applicant was represented on the call by Mr Harry Rodger, of Murray Properties (Fife) Ltd. 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 7 April 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 10 October 2023.
2. In terms of the tenancy agreement, rent of £595 is due on the 10th day of each month.
3. The Respondent paid no rent on 10 December 2023 and has been in arrears since that date.
4. On 23 July 2024, the Applicant's agent sent the Respondent an email conforming with the pre-action requirements prescribed by Scottish Ministers for rent arrears cases.
5. On 30 July 2024, the Applicant's agent hand delivered the Respondent a notice to leave, stating that she 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 not made any payment to the rent account, with the result that the arrears, as at the date of the CMD, stood at £11,900.
7. The Respondent has made various arrangements regarding addressing the arrears, but has not kept to these.

- Reasons for Decision

8. 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 19 consecutive months, which is a substantial period of time. There is no sign of the arrears being addressed; indeed they have continued to increase and are now of a significant size. 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.

Legal Member: N Young

Date: 11 July 2025

N Young