

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”) and Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/EV/24/3232

Re: Property at 99 Woodville Court, Broxburn, EH52 5LU (“the Property”)

Parties:

Mrs Marjory Tulloch, trading as MA Properties, 8/13 Portland Gardens, EDINBURGH, EH6 6NJ (“the Applicant”)

Mrs Laura Thomson/Brown, Mr Steven Brown, 99 Woodville Court, Broxburn, EH52 5LU (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted.

Background

1. By application lodged on 12 July 2024, the Applicant applied to the Tribunal for an order for recovery of possession of the Property in terms of Section 33 of the Housing (Scotland) Act 1988 (“the Act”) on termination of a Short Assured Tenancy. The application was made in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”). Supporting documentation was submitted with the application, including a copy of the Tenancy Agreement, AT5, Notice to Quit, Section 33 Notice and Section 11 Notice to the local authority.

2. Following initial procedure, on 7 August 2024, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. On 7 November 2024, Sheriff Officers served a copy of the Application and supporting documentation on the Respondent, together with intimation of the date, time and details of the Case Management Discussion ("CMD") to take place by telephone conference call on 16 December 2024. Any written representations were to be lodged by the Respondent by 27 November 2024. No written representations were submitted by the Respondent prior to the CMD.
4. On 28 November 2024, the Applicant's agent emailed the Tribunal to lodge some further supporting documentation on behalf of the Applicant, namely a rent arrears statement, correspondence between the Applicant's agent and the Respondent (Mrs Brown) regarding various matters, including the rent arrears and payment proposals by the Respondent; an estimate regarding proposed renovations to be carried out to the Property; and statements from the Applicant's daughter and her ex-husband regarding the Applicant's daughter's intention to sell her own property and to move into the Property for family/geographical reasons. These submissions were circulated to the Respondent once the Applicant's permission had been obtained on 9 December 2024. The Applicant's agent had confirmed that proof had not been submitted regarding the Applicant's daughter marketing her own property for sale, as the documentation confirmed her daughter's home address.

Case Management Discussion

1. On 16 December 2024 at 2pm, the CMD took place by telephone conference call and was attended by the Applicant, Mrs Marjory Tulloch, who trades under the name MA Properties, and her letting agent, Mrs Karen Bruce of Campbell Stafford Letting Ltd. The Respondent, Mrs Laura Brown, was in attendance and indicated that her husband would not be attending due to his work commitments.
2. Following introductions and introductory comments by the Legal Member, the purpose of the CMD was explained and there followed discussion regarding the parties' respective positions in respect of the eviction application. Tribunal Members also both asked a number of questions to elicit further information from the parties.
3. Mrs Brown confirmed that the Respondent was opposed to an eviction order being granted. She stated that the family had lived in the Property for almost 18 years and that this is the only home her two sons had ever known. They were aged 16 and 17 and in S5 and S6 respectively at Broxburn Academy. She did not want to jeopardise their education by disrupting them at this stage. She confirmed that her eldest son would be due to leave school at the end of S6 in summer 2025. Mrs Brown explained that she would like to resolve the situation with the rent arrears, if possible, so that they could continue to live there. She accepted that the recent issues were down to her. She had been off work for a

period of 10 months with health issues, including mental health issues, but is now getting back on her feet and is back working full-time as a nurse. She thought she would be able to pay off all the arrears at around the same rate as she had previously proposed of £400 per month on top of the usual rent payments of £600 per month. Mrs Brown stated that she had been unable to make these payments previously offered in March 2024 as she was only on half-pay at that time, being off work. She admitted that she had not communicated further with the Applicant's agent after March 2024 as she had been suffering from stress and anxiety for which she has received counselling and that this had made her unable to deal with conflict. For the same reasons, Mrs Brown confirmed that she had not sought any advice about her housing situation and the possibility of obtaining an alternative private let or social housing. Mrs Brown confirmed that her husband was a full-time electrician and that he had been unable to take on responsibility for communicating with the Applicant's agent as he was unavailable during usual office hours due to working full-time. Mrs Brown indicated that she did not have any comments to make as regards the Applicant's stated reasons for wishing to recover possession of the Property.

4. Mrs Bruce commented on Mrs Brown's position and explained that, even without the rent arrears situation and the lack of any communication from the Respondent since March 2024, the Applicant still wished to proceed with eviction, given the Applicant's daughter's own situation. She asked Mrs Brown if she had read through all the additional documentation lodged on behalf of the Applicant recently, including the detailed statement from the Applicant's daughter. Mrs Brown confirmed that she had only received this the previous week and had not gone through the documentation in detail as she was a bit overwhelmed. Mrs Bruce confirmed that the Applicant's daughter had already put her own property in Livingston on the market with Slater Hogg as, for various reasons, her daughter wishes to relocate back to Broxburn, due to her own daughter's schooling and the proximity of her ex-husband and her father, whom the Applicant's daughter supports in relation to his health issues. It was explained that the Applicant's daughter's children are a daughter aged 11 and a son aged 16. The son already lives full-time with his father but she would like to move to be closer to him. The daughter currently spends four nights per week with the Applicant's daughter in Livingston and the other three nights with her father in Broxburn. They still have a good relationship and co-parent but the Applicant's daughter is essentially a single parent and it does cause difficulties for her daughter having to travel to school and attend other activities in Broxburn. The childrens' friends are based around Broxburn.
5. Mrs Tulloch herself also provided some additional information. She confirmed that her daughter had separated from her ex-husband around four years ago and she estimates that her daughter bought her current property in Livingston around three years ago. The reason she had purchased in Livingston and moved there with her two children was that she could not afford to purchase in Broxburn following her separation. The Applicant's daughter also has some mental health issues and has not considered the option of trying to find alternative accommodation in or nearer to Broxburn as the Applicant was keen to get the Property back and help her daughter out by providing her with this

accommodation which is more convenient and would also ease her daughter's financial obligations. This is a two-bedroom Property which is sufficient for her daughter and granddaughter to live in. She commented on the Respondent's family set-up in comparison, which essentially involved four adults currently living in a two-bedroom property [this was conceded by Mrs Brown]. It was explained that the Applicant also intends to extensively refurbish the Property once she regains possession as it is in a poor state of repair.

6. The legal position with this eviction application was explained to parties, in that the Tribunal, in addition to being satisfied that the ground for eviction had been established (short assured tenancy having been brought to an end by service of the appropriate notices), also had to be satisfied that it was reasonable, in all the circumstances of the case, for an eviction order to be granted. As the issue of reasonableness was in dispute, with both parties having arguments supporting their respective positions, it was confirmed that the application would require to be adjourned to an Evidential Hearing at which the Tribunal would hear evidence and the matter would ultimately be decided. It was explained that the Tribunal would issue a Direction regarding the types of evidence required and arrangements regarding any witnesses for the Evidential Hearing. Both parties were advised that the Tribunal would expect to hear evidence from both parties that any alternative housing options had been explored in the meantime and on the updated rent arrears situation. Dates to avoid and other arrangements for the Evidential Hearing were discussed and parties were thanked for their attendance.
7. The application was thereafter adjourned to an Evidential Hearing. Notification of the details of same were issued to parties on 17 April 2025. A detailed CMD Note was issued to parties following the CMD, reflecting the discussions which had taken place at the CMD. A Direction was also issued to parties in the following terms:-

*“The **Applicant** and **Respondent** are required to provide:-*

1. *An inventory or list of any documentation/further documentation upon which the parties wish to rely at the Evidential Hearing in support of their respective positions as to the reasonableness (or otherwise) of the Tribunal granting an eviction order in the particular circumstances of this case; to include:-*

(a)any updated evidence in respect of the rent arrears;

*(b)any medical or similar evidence in respect of the **Respondent** (Mrs Laura Brown) and the **Applicant's daughter** that they wish to produce;*

*(c)any evidence that the **Respondent** and the **Applicant/Applicant's daughter** have explored any alternative housing options which may be available to the **Respondent** and the **Applicant's daughter**;*

*(d)written confirmation of the number of rental properties owned by the **Applicant**, whether they are currently tenanted, where they are situated, and*

whether there is outstanding mortgage finance in respect of these properties, including this Property;

*(e)any evidence in respect of the **Applicant's daughter's** current financial circumstances;*

*(f)any evidence that the **Applicant's daughter** is marketing her current property in Livingston for sale (any exact address details can be redacted, other than the postal town).*

- 2. A list of any witnesses that the parties wish to call to give evidence at the Evidential Hearing to be fixed in respect of this application, and to make arrangements for the attendance at the Hearing of any such witnesses;*

*The documentation referred to in paragraphs 1 and 2 above should be lodged with the Tribunal Administration no later than **14 days** prior to the Evidential Hearing.”*

Further Procedure

8. On 24 June 2025, the Applicant's agent lodged details of their intended witnesses for the Evidential Hearing and documentation by email in response to the Tribunal's Direction. However, attachments to the email were in the format of zip files, which could not be opened by the Tribunal due to security reasons. The Tribunal Administration advised the Applicant's agent of this on 27 June 2025, by which time the time-limit for submission of the documentation had already passed. On 27 June 2025, the documentation was re-submitted in acceptable format, with further documentation following on 30 June and 1 July 2025. The documentation consisted of:-

- Correspondence between the Applicant's letting agent and the Respondent dated March and April 2024 regarding the rent arrears and service of the notices;
- Council Tax bill for 2025/2026 addressed to the Applicant's daughter (Mrs J Skeldon), stated to include Single Person's Discount;
- Copy Agency Agreement between an estate agent and the Applicant's daughter re proposed sale of her own property in Livingston;
- Copy Invoice for the period February to May 2025 and Statement of Account showing previous charges/payments issued to the Applicant's daughter in respect of factoring/common charges in respect of her property;
- Payment Order issued by the Tribunal in favour of the Applicant on 25 April 2025 against the Respondent in the sum of £1,800;
- Copy letters to each of the Respondents dated 29 May 2025 on behalf of the Applicant attaching a copy of the above Order;
- Redacted medical notes/records relating to the Applicant's daughter covering the period May 2022 to April 2025;

- Mortgage Statements dated 2 May 2024 issued to Applicant in respect of two other properties, showing mortgages outstanding and expected monthly payments due;
 - Email correspondence with Tribunal dated June and July 2025 regarding mistake in original payment Order issued and requesting clarification/ amended Order;
 - Written submissions in support of Applicant's application for eviction;
 - Schedule of Works issued to Applicant dated 14 November 2024 from a plumbing and joinery contractor in respect of proposed works to the Property;
 - Written statement from Applicant dated 9 June 2025;
 - Written statement from the Applicant's daughter, Mrs J Skeldon (undated);
 - Written statement from the Applicant's husband, Mr J N Skeldon dated 5 June 2025;
 - Rent Statement dated 9 June 2025, showing background to rent arrears and current balance outstanding of £1,800; and
 - A copy of the amended payment Order referred to above, showing removal of unnecessary paragraph.
9. The Applicant's documentation specified above was circulated to the Respondent on 2 July 2025. No representations or documentation were lodged by the Respondent in response to the Tribunal's Direction nor in response to the above.

Evidential Hearing

1. The Evidential Hearing took place in-person at George House, Edinburgh on 10 July 2025, due to commence at 10am. In attendance were the Tribunal Members; Clerk; Mr A Strain, another Tribunal Member who was attending in an observation capacity only and did not participate in proceedings; the Applicant, Mrs Marjory Tulloch, who was accompanied by her husband, Mr John Neil Tulloch who was attending in a supportive capacity only (and not giving evidence as had been previously indicated); and the Applicant's representative, Mrs Karen Bruce, of Campbell Stafford Lettings Ltd. Neither Respondent was in attendance and there had been no communication to the Tribunal Administration in advance from the Respondent. Commencement of the proceedings was delayed for around 5 minutes to give the Respondent an opportunity to arrive late but they did not do so.
2. Following introductions and introductory comments by the Legal Member, in which she explained the background to the case and the purpose and procedure at the Evidential Hearing, the hearing proceeded and was concluded. Mrs Bruce presented the application on behalf of the Applicant and the Tribunal heard evidence from the Applicant. The Tribunal Members asked both Mrs Bruce and the Applicant a number of questions, which were answered. Reference was made throughout to the supporting documentation lodged by the Applicant. Final submissions were thereafter made by Mrs Bruce on behalf of the Applicant and the Tribunal adjourned to consider the application in

private. On re-convening, the Legal Member confirmed that the Tribunal had decided to grant the application and that their detailed written Decision would follow shortly. Further procedures were briefly discussed and parties were thanked for their attendance and participation.

3. At the outset of the hearing, the Tribunal had raised the preliminary issue regarding the lodging of the documentation on behalf of the Applicant in response to the Tribunal's Direction, which was technically a few days late. In terms of the Direction, the documentation should have been lodged at least 14 days prior to the hearing, namely before 26 June 2025. Mrs Bruce explained that the documents had originally been submitted on time, on 24 June 2025, with 'zip-file' attachments which they had not appreciated were unacceptable to the Tribunal until they were advised by the Tribunal Administration on 27 June 2025, by which time the deadline for submission had expired. They had re-submitted what they could that day in correct format but, as explained in their written representations, they had to wait until 30 June 2025 to obtain some of the documentation from a staff member who was on leave until then. They submitted the remainder of the paperwork on 30 June 2025, other than a copy of the amended Order which was submitted on 1 July 2025, only just having been received from the Tribunal Administration that day. Mrs Bruce requested that the Tribunal exercise their discretion in this regard, given the circumstances and, having considered the position, the Tribunal decided to allow the late lodging.
4. Mrs Bruce confirmed that there has been no contact whatsoever from the Respondent since March 2024, even following the CMD in December 2024 but that the Property is definitely still occupied by them and the eviction order sought is still required.

Evidence of Applicant – Mrs Marjory Tulloch

5. Mrs Tulloch explained that her reason for wishing the eviction order granted was that her daughter needs the property to live in and she wishes to make the property available to her daughter to assist her both in respect of her daughter's personal, family and financial circumstances.
6. Although the Respondent has continued to pay rent at the rate of £600 per month, the rent account has £1,800 outstanding in rent arrears and there has been no attempt by the Respondent to resolve the arrears, despite the promises made in the past and by Mrs Brown at the CMD. Mrs Tulloch confirmed that there is no mortgage over the Property and that the non-payment of the rent arrears has not particularly impacted on her financially. However, she explained that there had been history of rent arrears on the account which had eventually been cleared off several times. She confirmed that notice had previously been served in relation to rent arrears, she thinks around 2018, but the rent arrears were subsequently cleared. Mrs Tulloch confirmed that her agent had always sought to communicate with the Respondent regarding arrears but that the Respondent will simply no longer communicate. Mr Brown used to be involved in communications but has not been for a long time. As far as she is aware, both Respondents are working, with Mrs Brown having confirmed at the CMD

in December 2024 that she had returned to work full-time and would be able to pay off the arrears. No explanation has been given for the continued non-payment of the arrears.

7. Mrs Tulloch also referred to the Schedule of Works lodged with the Tribunal and confirmed that she wished to re-decorate and extensively refurbish the Property. She wishes to install a new kitchen and bathroom and to attend to the garden which she stated was unkempt and an 'eyesore'. Mrs Tulloch explained that she had tried to persuade the Respondent for several years to allow her to carry out improvements to the Property and bring it up to standard. Nothing had been done since the tenancy was entered into 18 or 19 years ago. She stated that the Respondent was reluctant to let people in to do the work and always said that they would take steps to do what was necessary. However, this never happened. Mrs Tulloch is concerned because the Respondents are both smokers and this has caused the property to deteriorate such that it now really needs re-decorated. She visited the Property earlier this year as she wanted to see the Property for herself and also to discuss the rent arrears. The Property was found to be in poor condition and was not being well maintained. Mrs Tulloch stated that the external doors and windows were in poor condition and in places were back to the bare wood. Mrs Tulloch also considers that the Property is no longer suitable for the Respondent and their family. When they moved in, they had no children but they now have two adult sons who are sleeping in bunk-beds and sharing one of the bedrooms. It is a two-bedroomed house. Mrs Tulloch explained that, in the past, the Property was looked after by the Respondent but Mrs Brown's whole demeanour has changed in recent years. She has sympathy for her as she had stated at the CMD that she was having mental health problems but feels that this does not explain the complete lack of any communication since March 2024.
8. As to her daughter's circumstances, Mrs Tulloch confirmed that her daughter had separated from her husband around 2021 and at that point had bought a property of her own in Livingston, where she currently lives with her daughter who is now 12 years old. Her daughter's son, now aged 17, has always lived with his dad in Broxburn in the former marital home and it is proposed that he will continue to live there. The Property is therefore an ideal size for her daughter and grand-daughter to live in. It is difficult for the Applicant's daughter to afford the Property in Livingston on her own as she has mortgage costs, Council Tax and factoring fees which are all quite high. In addition, the Applicant's granddaughter has retained her friends in Broxburn where she previously lived and most of her social activities, including dancing, are also in Broxburn. Being 12 years old, she still requires to be transported to Broxburn by her mother, often several times per day and, although the distance between Broxburn and Livingston is only around 10 miles, it is still time-consuming and expensive for the Applicant's daughter to repeatedly make this round-trip. The Applicant's granddaughter also now attends high school in Winchburgh which is very close to Broxburn. In addition, Mrs Thomas explained that her daughter also provides care for her own father, who had a stroke. He lives in Corstorphine and it would be of assistance to her daughter to live closer to him too. It would generally be of assistance to the whole family for the Applicant's daughter and granddaughter to move back to Broxburn due to their various commitments and

child-care arrangements. This would also allow the Applicant herself to better support her daughter. Her daughter still has a good co-parenting relationship with the children's dad but arrangements would be much easier to manage if her daughter was back in Broxburn. She has ongoing contact with her son but would like to see him more. Mrs Tulloch stated that her daughter had decided to move to Livingston after her separation as she had wanted to deal with things herself but circumstances have now changed. Her daughter is not able to afford a private let in Broxburn due to high rents and has not considered social housing as an option. Mrs Tulloch owns two other properties which she currently lets out, but both of these are mortgaged and tenanted. Due to their location in Edinburgh, they are also not suitable geographically for the Applicant's daughter. In response to further questions from the Tribunal Members, Mrs Tulloch confirmed that her daughter works full-time in property management for her letting agent, Campbell Stafford. It was also confirmed that the Applicant's husband, Mr Tulloch, also works there as a book-keeper and that it was a 'family business'. Reference was made to the Agency Agreement produced by an estate agent which was stated to be in connection with the Applicant's daughter's proposed sale of her own property in Livingston. Mrs Tulloch said that this sale had been put on the 'back-burner' as her daughter wanted to see what was happening with recovery of this Property and did not wish to leave herself and her daughter homeless. Her daughter considered trying to purchase another property in Broxburn but found that prices have 'gone through the roof' and she could not afford to do so. She therefore just committed herself to commuting back and forth meantime until the Tribunal outcome is known. Her daughter is still experiencing some mental health type issues following her marital separation from time to time and, as far as Mrs Tulloch is aware, she is still taking medication for this. She is also on a waiting list for free therapy sessions.

Summing-up

9. Mrs Bruce summed-up on behalf of the Applicant. She referred to the long timescales involved in this process and the fact that the Applicant's daughter has been in limbo for over a year since notice was served. All paperwork required has been lodged by the Applicant and it is frustrating that the process has taken so long, especially as the Respondent has failed to lodge any documentation with the Tribunal or engage with them, despite them trying to reach out to the Respondent repeatedly on behalf of the Applicant. These attempts appear to have fallen on deaf ears. No attempt has been made to pay the arrears or even enter into a payment plan. Mrs Bruce appreciates that Mrs Brown had said that she has had some mental health issues and has been unable to cope with things but does not think this has been helped at all by the total lack of communication from the Respondent. The Respondent's family has outgrown the Property, with the two adult sons still sharing bunkbeds. The Respondent had always said that they would move out of the Property once their children were 16 but this did not happen. The condition of the Property is suffering too. The Applicant has never been permitted access to carry out works to the Property over a period of 18/19 years and the condition is now so poor that she is worried that it may no longer meet the Repairing Standard. The Applicant wishes to recover the Property and totally renovate it and then provide

a home for her daughter and grand-daughter which will ease all the difficulties currently being faced.

10. The Legal Member asked for the Applicant's view on the Tribunal extending the usual timescale for eviction, if it were to be decided that an Order be granted. Mrs Tulloch responded that, if there had been communication and co-operation from the Respondent, she may have considered this but, as things stand, she would be against any extension. She thinks the Respondent has already had long enough.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the joint tenant of the Property by virtue of a Short Assured Tenancy which commenced on 8 January 2007.
3. The Applicant ended the contractual tenancy by serving on the Respondent a Notice to Quit and Section 33 Notice dated 23 April 2024 and served by Sheriff Officer on 26 April 2024, specifying the end of the notice period as 7 July 2024 2024, an ish date in terms of the lease. Both notices were in the correct form, provided sufficient notice and were served validly on the Respondent.
4. The Respondent has remained in possession of the Property following expiry of the notice period.
5. This application was lodged with the Tribunal on 12 July 2024, following expiry of the notice period.
6. The first-named Respondent attended the CMD and contested the application but lodged no written representations/documentation in support of their position, did not comply with the Tribunal's Direction nor attend the Evidential Hearing.
7. The Applicant wishes to recover the Property so that her daughter and grand-daughter can live there.
8. The Applicant also wishes to refurbish the Property which the Respondent has not permitted during the tenancy.
9. A Payment Order in the sum of £1,800 was granted in favour of the Applicant by a different Tribunal on 25 April 2025, in respect of rent arrears owing by the Respondent.
10. No payments or payment offers have been made by the Respondent and the rent arrears still currently amount to £1,800.

Reasons for Decision

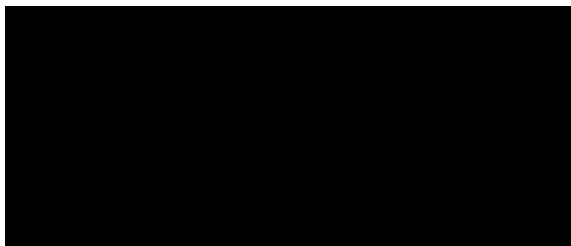
1. The Tribunal was satisfied that all pre-action requirements including the service of the Notice to Quit and Section 33 Notice in terms of the 1988 Act had been properly and timeously carried out by the Applicant prior to the lodging of the Tribunal application.
2. Although the Applicant had sought to comply timeously with the Tribunal's formal Direction in advance of the Evidential Hearing, their response was technically a few days late in that document attachments had originally been submitted in an unacceptable format and required to be re-submitted. The Tribunal considered this as a preliminary issue at the outset of the Evidential Hearing and decided to allow the documentation to be lodged late as the Tribunal considered that the Applicant had a reasonable excuse for this, in terms of Rule 22 of the Regulations.
3. Section 33(1) of the Act states that an order for possession shall be granted by the Tribunal if satisfied that the short-assured tenancy has reached its finish; that tacit relocation is not operating; that the landlord has given to the tenant notice stating that he requires possession of the house; and that it is reasonable to make an order for possession. The Tribunal was satisfied that all requirements of Section 33(1) had been met in respect in respect of this application.
4. The Tribunal considered the background to the application, the first-named Respondent's oral representations made at the CMD, the oral representations made by and on behalf of the Applicant at the CMD and Evidential Hearing and all supporting documentation lodged on behalf of the Applicant throughout the Tribunal process, which included written statements from both the Applicant's daughter and the Applicant's husband.
5. There had been no challenge made by the Respondent at the CMD in respect of the 'technical' aspects of the application, namely pre-action notices served, etc. The application had been adjourned to the Evidential Hearing only on the basis of reasonableness. In respect of reasonableness, the Tribunal was satisfied that the Applicant's primary reason for wishing to recover possession of the Property was that she wished to provide her daughter and granddaughter with a home in Broxburn for several reasons to do with family circumstances and finances and because she considered the Property to be more suitable to them, in terms of size, than to the Respondent who were a couple, now with two adult sons. The Applicant had given evidence herself at the Evidential Hearing and had answered a number of questions from the Tribunal Members. The Tribunal had found her to be a credible witness and her oral evidence to have been consistent throughout the proceedings and to be supported by the documentary evidence lodged. The Applicant had fully complied with the Tribunal's Direction in terms of further documentation required. The Tribunal was also satisfied from the Applicant's evidence that she had had concerns for some time regarding the condition of the Property, which had deteriorated during the tenancy, particularly more recently, and that the Respondent had refused the Applicant's several requests to carry out repair

and improvement works to the Property. The Tribunal also considered the rent arrears position. It was apparent that there had been a history of rent arrears accruing and then being cleared over previous years but that three months' rent, amounting to £1,800 was missed at the beginning of 2024 and had never been made up. Although the monthly rental was thereafter reinstated and continued to be paid, the Tribunal was satisfied that the Respondent had failed to address the arrears in any way, had made payment offers to the Applicant's agent and at the CMD which payments had not been forthcoming and had failed to engage with the Applicant's agent since March 2024. The first-named Respondent had explained at the CMD the reason for the arrears arising and her non-engagement with the Applicant but had then failed to produce any supporting documentation in response to the Tribunal's Direction issued following the CMD. The Tribunal was of the view that the Respondent had had ample opportunity to engage with the Applicant and the Tribunal but had chosen not to do so, nor to attend the Evidential Hearing to give oral evidence, offer further explanation nor advance any reasonableness arguments on their own behalf. The Tribunal did, however, consider the Respondent's personal and family circumstances, as had been stated by the first-named Respondent at the CMD and sought the Applicant's comments on these matters at the Evidential Hearing. The Tribunal also noted that the Respondent had not wished to comment at the CMD on the Applicant's position or stated reasons for wishing to recover the Property. Accordingly, the Tribunal did not consider that it had any material before it to contradict the Applicant's position and, in all the circumstances, was satisfied that the balance weighed heavily in favour of the Applicant in terms of reasonableness and that it was reasonable to grant the eviction order sought. In the circumstances, the Tribunal did not consider it appropriate to grant any extension in respect of the eviction date.

6. The Tribunal's decision in the matter was unanimous.

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.



10 July 2025
Date