

**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 (“the Act”)**

**Chamber Ref: FTS/HPC/EV/25/0872**

**Re: Property at 74A High Street, Forres, Moray, IV36 1PQ (“the Property”)**

**Parties:**

**Alison Patricia Laing, Jacqueline Sandra Laing, Alison Patricia Laing as exectuor dative for the late Susan Elizabeth Laing, 39 Wallfield Crescent, Aberdeen, AB25 2LB; 10 Eday Square, Aberdeen, AB15 6NF; 39 Wallfield Crescent, Aberdeen, AB25 2LB (“the Applicant”)**

**Miss Ashleigh Milne, 74A High Street, Forres, Moray, IV36 1PQ (“the Respondent”)**

**Tribunal Members:**

**Ewan Miller (Legal Member) and Frances Wood (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it was reasonable in the circumstances that an Order for Possession of the Property should be granted in favour of the Applicant against the Respondent under Ground 12 of Schedule 3 of the Act**

**Background**

The Applicant had let the Property to the Respondent under a Private Rented Tenancy under the 2016 Act with effect from 24 January 2024. The Applicant alleged that the Respondent had failed to pay their rent since 24 April 2024 and that as at the date of the CMD there was in excess of £9000 of rent arrears. The Respondent sought an Order for Possession of the Property under Ground 12 of Paragraph 3 of the Act on the basis that were more than 3 consecutive months of rent arrears outstanding as at the date of the hearing.

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

The Tribunal held a CMD by teleconference on 13 August 2025 at 10am. The Tribunal comprised of Mr Ewan Miller (Legal Member and Chair) and Mrs Frances Wood (Ordinary Member). Mr Jackson Deane of Messrs Bannatyne, Kirkwood & France, Solicitors, Glasgow, represented the Applicant. The Respondent was neither present nor represented and had not submitted any papers to the Tribunal. The Tribunal was satisfied that the CMD had been properly intimated to the Respondent.

The Tribunal had before it the following papers:-

- The Applicants application to the Tribunal dated 27 February 2025;
- Private Residential Tenancy between the Applicant and the Respondent commencing 24 January 2024;
- Pre-action letter dated 29 October 2024;
- Notice to Leave dated 5 August 2024;
- S11 Homeless Notice dated 27 February 2025;
- Rent statement brought down to 30 July 2025.

### **Findings in Fact**

The Tribunal found the following facts to be established:-

- The Applicant was the owner of the Property;
- The Applicant had let the Property to the Respondent under a Private Residential Tenancy commencing 24 January 2025 at a rental of £595 per calendar month;
- The Respondent had paid the first 3 months rental under the tenancy agreement;
- No rent payments had been made since 24 April 2024 and the sum of £9520 was outstanding as at the date of the hearing;
- As at the date of the hearing the Respondent had been in rent arrears for more than three consecutive months;
- In all the circumstances before it, it was reasonable for an order for eviction to be granted.

### **Reasons for Decision**

The Tribunal considered the evidence before it. The Applicant had produced a rent statement showing that no rent had been paid in well over a year. The Tribunal had no reason to doubt the veracity of the rent statement produced by the Applicant and accepted, on the balance of probabilities, that £9520 was due by the Respondent. This was a significant sum. On being questioned, the Applicant's representative advised that whilst there had occasionally been an offer by the Respondent to commence paying again, no payments had, ultimately, been forthcoming. No particular reason had been provided to the Applicant as to why the rent was not being paid. The representative submitted that as far as they were aware there was one child living with the Respondent but they had little other information as to the Respondent's

circumstances. The Respondent had refused the Applicant access to the Property. There were no benefits being paid towards the rent so far as the representative was aware.

The Respondent had submitted no documentation to the Tribunal that disputed the sums due or gave any explanation as to the reasons for the rent arrears or sought to argue that it would be unreasonable to grant the eviction order sought by the Applicant.

The Tribunal was satisfied that Ground 12 of Schedule 3 of the Act had been met. It was apparent that the Respondent was in significantly more arrears than the 3 consecutive months required.

The Tribunal is obliged to consider whether, in the circumstances, it is reasonable to grant the eviction. There was nothing from the Respondent to justify or explain her position or give any background as to her financial or life situation. There seemed to be no realistic chance of the rent arrears being addressed. In short, there was nothing before the Tribunal to suggest it would be reasonable to not grant the order. Indeed, it would be unreasonable in the circumstances for the Applicant not to be able to get the Property back and bring the increasing rent arrears to a halt.

Accordingly the Tribunal determined to grant the Order for Possession in favour of the Applicant against the Respondent.

## **Decision**

**The Tribunal, under Ground 12 of Schedule 3 of the Act, grants an Order for Possession in favour of the Applicant against the Respondent in respect 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.**

**Ewan Miller**

**Legal Member/Chair**

**13<sup>th</sup> August 2025**

**Date**