

Housing and Property Chamber

First-tier Tribunal for Scotland



Decisions with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Refs: FTS/HPC/EV/24/4805 and FTS/HPC/CV/24/4807

Re: Property at 4 The Square, Portsoy, Banff, Aberdeenshire, AB45 2NX (“the Property”)

Parties:

Mr John Cruickshank, Benview, Dipple Farm, Fochabers IV32 7QA and Mrs Jill Addison, Aultdearg Cottage, Ordiequish, Fochabers IV32 7PA (“the Applicants”) and

Burnett & Reid LLP, Suite A, 1 Albyn Place, Aberdeen, AB10 1BR (“the Applicants’ Representative”) and

Ms Lauri Booth, 4 The Square, Portsoy, Banff, Aberdeenshire, AB45 2NX (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

M Booth - Ordinary Member

Decisions in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows:

- 1) To grant an eviction order; and**
- 2) To grant an order for payment to the Applicants, Mr John Cruickshank and Mrs Jill Addison, by the Respondent, Ms Laurie Booth, of the sum of £7,600.00.**

Background

- 1. These are Applications for an eviction order in terms of Rule 109 (Application for an eviction order) and for a payment order in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier**

Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion on 1st August 2025

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 2.00pm on 1st August 2025.
3. The Applicants and their Representative’s Mr A Taylor attended the CMD. The Respondent, Ms Lauri Booth, did not attend. She was not represented and there was no explanation for her absence. The Tribunal had noted that Sheriff Officers had served the Application papers, and notification of the CMD, on Ms Booth by posting those papers through the letterbox at the Property on 16th June 2025. The Tribunal also noted that the Tribunal’s office had sent copies of the Applicants’ Representative’s further written submissions, and updated rent statement, submitted on 28th July 2025, to Ms Booth by post on 29th July 2025.
4. Mr Taylor referred to the Applications and the subsequent submissions which had been sent to the Tribunal’s office on behalf the Applicants. He stated that the rent arrears currently owing are in the sum of £7,600.00 and that Ms Booth last paid rent, in the sum of £400.00, in March 2024. Mr Taylor stated that he had written to Ms Booth on a number of occasions and last heard from her, by e-mail sent on 14th January 2025, when she stated that she was going to obtain backdated DWP benefits which would clear her rent arrears. He said that rent had not previously been paid through DWP. Mr Cruickshank stated that he had made enquiries with DWP who said that Ms Booth had been receiving monies from them to assist her with payment of rent, but Ms Booth had not used those monies to pay rent. He said that the Applicants, Mr Cruickshank and Mrs Addison, had been informed by the operators of the Charity Shop, adjoining the Property, also owned by them, that a removal van was at the Property on 6th July 2025. Mr Taylor said that Mr Cruickshank had subsequently put a note through the letterbox of the Property, and texted Ms Booth, to ask her to confirm to him, and to the Tribunal’s office, if she had left the Property. He said that neither Mr Cruickshank nor his office had heard from Ms Booth in reply. Mr Taylor stated that Mr Cruickshank and Mrs Addison are not aware of Ms Booth’s current employment position and that they understand that she has children who sometimes reside with her and sometimes with her former partner. Mr Taylor asked that the Tribunal grant the orders sought in both Applications, with the payment order being in the sum of £7,600.00.

Findings in Fact and Law and Reasons for Decisions

5. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a PRT if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
6. Schedule 3 (12) to the 2016 Act provides that it is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

7. Section 71 of the 2016 Act provides as follows:

- (1) In relation to civil proceedings arising from a private residential tenancy-
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
- (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
 - (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.

8. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order and order for payment of unpaid rent against a tenant (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.

9. Having considered all of the Applications' papers, written submissions and the oral submission of Mr Taylor at the CMD, the Tribunal finds in fact that the Applicants, Mr John Cruickshank and Mrs Jill Addison, through their Representative, have provided the Tribunal, in their Application for an eviction order, with copies of the parties' PRT, the Notice to Leave served on the Respondent Ms Lauri Booth, and the Section 11 Homelessness etc Act Notice subsequently issued to Aberdeenshire Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the legislation and the procedures set out in the legislation had been correctly followed and applied. The Application for an eviction order proceeds in terms of Schedule 3(12) to the 2016 Act. The Tribunal further finds in fact that when the NTL was served on Ms Booth she had been in rent arrears for three consecutive months and that this was also the case when both Applications were lodged with the Tribunal's office, on 16th October 2024, and continues to be the case. Ms Booth has not paid any rent since March 2024 and is currently in rent arrears in the sum of £7,600.00. Ms Booth has not made any representations opposing the grant of the orders sought in the Applications.

10. In making its findings in fact the Tribunal relied on the documentation within the Applications and, in particular, on the terms of the further written submissions lodged by the Applicant's Representative. They also relied on the oral submission of Mr Taylor, the terms of which were consistent with the terms of the relevant documentation.

11. Further, the Tribunal, in making their findings in fact, placed reliance on the absence of any contradictory information or submissions from the Respondent, Ms Booth. The papers in respect of both Applications had been served effectively on her, and the details of the CMD had been sent to her. She was also sent copies of the Applicant's Representative's further submissions, and updated rent statement, by the Representative and the Tribunal's office. Ms Booth is aware of the important nature of the Applications, but she has not lodged any

representations regarding the merits of the Applications and the reasonableness of the grant of the orders sought.

12. Accordingly, the Tribunal find in law that the ground in Schedule 3 (12) to the 2016 Act is met as the Respondent Mr Booth has been in rent arrears for three or more consecutive months and, also, that it is reasonable that an eviction order be granted.
13. The Tribunal also find in law that Ms Booth is obliged to pay rent to the Applicants, in terms of the parties' PRT, and, having not done so consistently, is in rent arrears in the sum of £7,600.00. The Tribunal therefore find in law that the Applicants, Mr John Cruickshank and Mrs Jill Addison, are entitled to an order for the Respondent Ms Booth's payment to them of the sum of £7,600.00.

Decisions

14. Therefore, the Tribunal makes an order for eviction of the Respondent, Ms Lauri Booth, from the Property at 4 The Square, Portsoy, Banff, Aberdeenshire, AB45 2NX and, also, an order for payment to the Applicants, Mr John Cruickshank and Mrs Jill Addison, by the Respondent, Ms Lauri Booth, of the sum of £7,600.00.

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.

Gerald McWilliams

1st August 2025