

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/5568

Re: Property at 317 Calder Glen Court, Oronsay Road, Airdrie, ML6 8DN (“the Property”)

Parties:

SKN Horizons Ltd, 53 EVERITT ROAD, SINGAPORE, 428606, Singapore (“the Applicant”)

MR EWAN MCDONALD, 317 Calder Glen Court, Oronsay Road, Airdrie, ML6 8DN (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted against the respondent

Introduction

1. These are linked applications between the same parties. The first application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The second application seeks a payment order relating to arrears of rent and is under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. Service of the applications and intimation of the Case Management Discussions (CMDs) were effected by Sheriff Officers on the respondent on 11 June 2025.
3. The CMD hearing in both cases took place by teleconference on 1 August 2025 at 10.00 am. The applicant was represented by Mrs Alison Spence of McTurk & Muir Lettings Ltd. There was no appearance by or on behalf of the respondent. No representations had been received from him.

Findings and Reasons

4. The property is 317 Calder Glen Court, Oronsay Road, Airdrie ML6 8DN. The applicant is SKN Horizons Ltd who is the heritable proprietor and registered landlord. The respondent is Mr Ewan McDonald who is the tenant. A private residential tenancy was entered into between the parties which commenced on 18 January 2024. The rent stipulated was £675 per month.
5. The respondent has fallen into significant arrears of rent throughout the subsistence of the short duration of the lease. The tenant ceased making rent payments in August 2024. He reported that he had lost his job and had applied for Universal Credit. At the time that the application was submitted to the Tribunal the sum of £3,375 was outstanding. The arrears has now risen to £8,875. No Rule 14A amendment application to increase the amount sought to be recovered has been made.
6. The applicant is entitled to recover arrears of rent due under and in terms of the written lease between the parties. The Tribunal therefore granted a payment order against the respondent in the sum of £3,375. There is no opposition by the respondent and no application has been made for a time to pay direction has been made.
7. The eviction proceedings are based upon the arrears of rent and the ground relied upon is ground 12, contained within Part 1, Schedule 3 to the 2016 Act, namely that the respondent is in rent arrears over three consecutive months.
8. The Tribunal found that the notice to leave upon which the eviction application proceeds is valid. It is dated 2 October 2024 and states that an application will not be submitted to the Tribunal for an eviction before 1 November 2024. The notice is compliant with the requirements set out in Section 62 of the Act. The required 28 days' notice was given to the respondent. There is evidence that the notice to leave was both emailed and served by post on the day it is dated. Sufficient statutory notice was given.
9. The Tribunal was satisfied that more than three consecutive months of rent was outstanding at the time that the notice to leave was served and also remains unpaid by the respondent. This establishes ground 12. The Tribunal proceeded to consider the issue of reasonableness.
10. The respondent is known to be unemployed. He has two young children. He has no known vulnerabilities or disabilities. He has not communicated with the applicant's representative for a number of months. Access has been denied for routine checks. The applicant is adversely affected financially by the absence of rent being paid. The rent arrears are significant. The respondent has paid no rent for over a year. It is unreasonable to require the applicant to continue to provide accommodation to the respondent in the absence of rent being paid. The Tribunal found that the rent arrears pre-action requirements have been adequately fulfilled by the applicant.

11. There is evidence that the local authority has been advised of the eviction proceedings with a relevant section 11 notice having been issued by the applicant. In the event of an eviction order being granted the local authority has an obligation to make alternative accommodation available to the respondent.

12. In all of the circumstances, the Tribunal determined it was reasonable to grant the eviction order sought by the applicant.

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.

Richard Mill

Richard Mill

1 August 2025

Legal Member/Chair

Date