



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 51(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/0835**

**Re: Property at 45 John Pitcairn Place, Kirkcaldy, Fife, KY1 1AG (“the Property”)**

**Parties:**

**Kingdom Initiatives Limited, Saltire Centre, Pentland Drive, Glenrothes, KY6  
2DA (“the Applicant”)**

**Ms Jennifer Ramsay, Ms Nicola Ramsay, 4C Pottery Street, Kirkcaldy, KY1  
3ET; 45 John Pitcairn Place, Kirkcaldy, Fife, KY1 1AG (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order for eviction.**

**Background**

1. By application dated 25 February 2025 the applicant seeks an order for eviction, relying on ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant lodged the following documents in advance of the case management discussion (“cmd”):
  - Copy tenancy agreement
  - Notice to leave
  - Section 11 notice to local authority
  - Rent statement

- Pre Action Requirements correspondence
- Correspondence between the parties regarding the joint tenancy

### **Case management discussion - 23 July 2025 - teleconference**

3. A case management discussion (“cmd”) took place via teleconference on 23 July 2025. The applicant was represented by Ms Brechany, solicitor, TC Young. The second respondent was in attendance. The first respondent was not present or represented. The Tribunal was satisfied that the first respondent had been properly notified of the cmd in terms of rule 24 and proceeded in her absence in terms of rule 29.
4. Ms Brechany sought an order for eviction against both respondents. She referred to an updated rent statement which showed that arrears had increased to £8915.60 as at 1 July 2025. She stated that the arrears have been increasing with no payments being made to the rent account since September 2024. Ms Brechany stated that the applicant was aware that the first respondent had not resided in the property since 2019 and had entered into a tenancy agreement with the applicant for another property. She stated that the respondents had not properly terminated the joint tenancy agreement in terms of the legislation and accordingly an eviction order was required against both respondents to properly terminate the tenancy. Ms Brechany stated that the applicant had made numerous attempts to engage with the second respondent to address the arrears, including telephone and text messages however she had failed to engage with them.
5. Ms Ramsay, the second respondent did not seek to oppose an order for eviction being granted. She accepted that arrears as at the date of the cmd amounted to £8915.60. She confirmed that Jennifer Ramsay was her daughter and that she had moved out of the property a number of years previously. She stated that she did not recall providing notice to terminate the joint tenancy at the time her daughter moved out. Ms Ramsay stated that she had experienced financial difficulties as a result of loss of employment and was unable to afford the rent in the tenancy. She is currently receiving universal credit and had sought advice from Fife Council regarding alternative accommodation. She had been advised

that assistance would be provided in the event an eviction order was granted. She confirmed that she resided alone in the property.

### **Findings in fact**

6. Parties entered into a tenancy agreement with a commencement date of 20 April 2018.
7. Monthly rent due in terms of the agreement is £540.39
8. Arrears as at 1 July 2025 amounted to £8915.60.
9. The respondents have not made any payments towards the rent or arrears since September 2024.
10. The applicant complied with the pre-action requirements set out in the Rent Arrears Pre Action-Requirements (Coronavirus) (Scotland) Regulations 2020.
11. The first respondent is the daughter of the second respondent.
12. The first respondent moved out of the property in 2019 and resides in a separate property.
13. The second respondent resides alone in the property.
14. The second respondent does not seek to defend the application,
15. Ground 12, in schedule 3 of the 2016 Act has been established.

### **Reasons for the decision**

16. Rule 18 states:

*Power to determine the proceedings without a hearing*

**18.—(1) Subject to paragraph (2), the First-tier Tribunal—**

*(a) may make a decision without a hearing if the First-tier Tribunal considers that—*

*(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and*

*(ii) to do so will not be contrary to the interests of the parties; and*

*(b) must make a decision without a hearing where the decision relates to—*

*(i) correcting; or*

*(ii) reviewing on a point of law,*

*a decision made by the First-tier Tribunal.*

*(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.*

17. The Tribunal was satisfied that having regard to the undisputed facts of the case it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

18. Ground 12 states:

*12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.*

*(2) . . . . .*

*(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—*

*(a) for three or more consecutive months the tenant has been in arrears of rent, and*

*(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.*

*(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—*

*(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit and*

*(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.*

19. The Tribunal was satisfied on the basis of the undisputed rent statements that had been lodged that there had been arrears of rent for a period in excess of three months. The second respondent did not dispute the level of arrears at the cmd.

20. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against

21. The Tribunal had regard to the application, the documents lodged by the applicant and oral submissions at the cmd.
22. The Tribunal determined the correspondence sent to the second respondent on 26 November 2024 complied with the pre-action requirements. The second respondent had been provided with information relating to the rent arrears and guidance on how to access assistance in compliance with the pre-action requirements.
23. The Tribunal was satisfied that the arrears at the property amounted to £8915.60 as at the date of the cmd. The second respondent had not lodged any information which sought to demonstrate that the arrears were in any part due to an issue with unpaid benefits.
24. The Tribunal gave significant weight to the fact that the first respondent had not resided in the property for a considerable period of time and the second respondent stated that she did not wish to defend the application.
25. The Tribunal enquired as to whether the second respondent sought a period of suspension before the order was enforceable. She confirmed that she sought no extension of the period prior to enforcement.
26. The Tribunal considered whether an order was required against the first respondent given that she did not reside in the property. The Tribunal accepted the submission of Ms Brechany that the joint tenancy had not been terminated and an eviction order was required against both parties to ensure the property would be recovered.
27. In the foregoing circumstances the Tribunal considered it reasonable to grant an order against both respondents.

## **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: Mary-Claire Kelly  
**Mary-Claire Kelly**

Date: 23 July 2025