

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/EV/25/0625**

**Re: Property at 3 Sunnyside Court, Inverurie, Aberdeenshire, AB51 0LY (“the Property”)**

**Parties:**

**Mr Robin Francis Taylor, 71 Morledge, Matlock, Derbyshire, DE4 3SB (“the Applicant”)**

**Miss Joanna Cumming, 3 Sunnyside Court, Inverurie, Aberdeenshire, AB51 0LY (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**BACKGROUND**

1. By Lease dated 26<sup>th</sup> August 2022 the Applicant Let the Property to the Respondent. There was a co-tenant, William Michael Patterson also.
2. The start date of the tenancy was 18<sup>th</sup> September 2022.
3. Rent was initially payable at a rate of £1,000.00 per calendar month.
4. William Michael Paterson vacated the premises in the course of the tenancy. The Respondent remained in occupation of the Property.
5. Arrears of rent accrued. The Applicant served a notice to leave upon the Respondent.

6. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
7. Correspondence was forwarded to the Respondent in compliance with the pre action protocol.
8. An application for an eviction order was subsequently presented to the Tribunal.

## **THE CASE MANAGEMENT DISCUSSION**

9. A case management discussion was assigned to be held by teleconference at 10:00am on Friday 18<sup>th</sup> July 2025. The Applicant was represented by Mr Minchen of Winchester Lettings Ltd. A Miss Meyer from that organisation attended as an observer. The Respondent attended personally. Her sister attended as a supporter.
10. Mr Minchen moved the Tribunal to grant an order for eviction.
11. The Respondent advised the Tribunal that she did not oppose an order for eviction. She explained that her former partner had vacated the Property some time ago and she accepted rent arrears had arisen and that she was not in a position to maintain the current level of rent. She was willing to consent to an eviction order as, otherwise, arrears of rent will simply continue to increase on an ongoing basis and did not want that.
12. To enable her to secure alternative local authority or housing association accommodation, however, she required an order for eviction from the Tribunal. She was quite clear, therefore, that she did not oppose an eviction order being granted.
13. She advised the tribunal that she resided at the Property with her two daughters aged 16 and 12 years. Neither she nor her children have any medical conditions which are relevant to the decision of the Tribunal. The Respondent did not advance any other information to suggest that it was anything other than reasonable for an eviction order to be granted.
14. In the circumstances, having regard to the acceptance by the Respondent that there are arrears of rent, that she is actively seeking local authority or housing association accommodation and that she requires an eviction order to enable such housing to be provided to her, the tribunal concluded that it was reasonable that an eviction order be granted.

## **DECISION**

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 25<sup>th</sup> August 2025

### **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.**

# Virgil Crawford

**18<sup>th</sup> July 2025**

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**Legal Member/Chair**

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**Date**