



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988 and Rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/24/5337

Re: Property at 1 Nechtan Drive, Coalsnaughton, FK13 6DQ (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Centre, Petland Court, Glenthropes, KY6 2DA (“the Applicant”) per their agents, TC Young, solicitors, 7 George Street, Glasgow G2 1BA (“the Applicant’s Agents”)

Ms Stephanie Watt, 1 Nechtan Drive, Coalsnaughton, FK13 6DQ (“the Respondent”)

Tribunal Members:

Karen Moore (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 the statutory process for eviction and recovery of possession having been established, it is reasonable to grant the Order sought.

1. By application received on 19 November 2024, (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for possession of the Property based on the service of statutory notices to bring the tenancy to an end and on the grounds of rent arrears.
2. The Application comprised copy Notice to Quit and copy Notices under Sections 18 and 33 of the 1988 Act with proof of service, copy tenancy

agreement with relevant AT5 between the Parties, copy notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Clackmannanshire Council, being the relevant local authority and a rent statement showing arrears of rent amounting to £6,740.57 as at 24 November 2024. An application for a payment order for rent due and owing was lodged along with the Application.

3. The Application was accepted by the Tribunal and a Case Management Discussion (the "CMD") was fixed for 22 July 2025 at 14.00 by telephone conference. The CMD was intimated to the Parties and to the Respondent, in particular, by Sheriff Officer on 15 April 2025.
4. Prior to the CMD, the Applicant's Agents lodged an updated rent statement showing the rent due to have risen to £7,912.21.

CMD

5. The CMD took place on 22 July 2025 at 14.00 by telephone. The Applicant was represented by Ms. Brechany of the Applicant's Agents. The Respondent, Miss Watt, did not take part and was not represented. The Tribunal was satisfied that the Respondent was aware of the proceedings and her requirement to attend and so proceeded in her absence.
6. Ms. Brechany confirmed the Order sought and explained to the Tribunal that the basis on which the Application proceeded was Rule 65 and Section 18 and Grounds 11 and 12 of the 1988 Act, the tenancy agreement not being capable of being a short assured tenancy, regardless of the AT5 Notice being in place. Ms. Brechany sought to amend the Application on this basis. The Tribunal being in agreement that Rule 65 was the correct basis and being satisfied that the Application conformed to that Rule, allowed the amendment and proceeded on that basis.
7. Ms. Brechany advised the Tribunal that the Respondent is a single person aged 31 and that she resides with her three children aged 14, 7 and 6 years and has consistently been in arrears of rent since the tenancy began. To the best of her knowledge, the respondent is unemployed at present and in receipt of Universal Credit with a housing element. Ms. Brechany explained that several payment plans entered into by the Parties have not been maintained by the Respondent. The last such was in October 2024 and £50 per month was to be paid to arrears. It had been part of that agreement that one missed payment would result in eviction proceedings being started. Ms. Brechany advised the Tribunal that the Applicant's officers have provided support, guidance and assistance to the Respondent but have found it difficult to engage fully with her. Recent attempts in February 2025 and again in July 2025 had not been successful.

8. Ms. Brechany stated that the level of arrears is having a significant detrimental effect of the Applicant's ability to deliver a service to their tenants and is not sustainable. The Applicant seeks the Order as a last resort.
9. Ms. Brechany stated that the Property is a two bedroom suitable for a family of four. The Applicant is unable to offer more suitable accommodation given the level of arrears.
10. Ms. Brechany advised that a payment towards the rent was received in July and so the sum due at the date of the CMD is £7,388.33.

Issue for the Tribunal

11. The issue for the Tribunal is to determine if the statutory ground is established and if it is reasonable to grant the Order. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussionincluding making a decision*". The Tribunal took the view that it had sufficient information to make a decision. Therefore, the Tribunal proceeded to determine the Application.

Findings in Fact

12. From the Application and the CMD, the Tribunal made the following findings in fact:
 - i) There is an assured tenancy of the Property between the Parties at a current rent of £473.88;
 - ii) A valid Section 18/AT6 Notice and a valid Notice to Quit were served;
 - iii) The Respondent has rent arrears of £7,388.33, which arrears satisfy Grounds 11 and 12 of the 1988 Act;
 - iv) The Respondent is a single parent on state benefits with three school age children;
 - v) The Property has only two bedrooms and so is not suitable accommodation for the Respondent and her family;
 - vi) The Applicant is a housing association which provides mid-market rented accommodation;
 - vii) The Applicant relies on the payment of rent to provide its housing service to its tenants and
 - viii) The level of arrears owed by the Respondent and consistent non-payment of rent have a detrimental impact on the Applicant's ability to provide its housing service.

Decision and Reasons for Decision

13. The Tribunal had regard to all the information before it and to its Findings in Fact.
14. The statutory ground and procedure being established, and the Application not being formally opposed, the issue for the Tribunal was to determine if it is reasonable to grant the Order.
15. The Tribunal then had regard to the circumstances of the Parties.
16. The Tribunal must establish, consider and properly weigh the “whole of the circumstances in which the application made” (Barclay v Hannah 1947 S.C. 245 at 249 per Lord Moncrieff) when deciding whether it is reasonable to grant an order for possession.
17. The Tribunal then looked to balance the rights and interests of both parties.
18. The Tribunal accepted the impact which the level of arrears has on the Applicant and its ability to provide a housing service. The Tribunal accepted that the Applicant has made considerable efforts to support and assist the Respondent without success and has raised these proceedings as a last resort.
19. The Tribunal recognised that the Respondent is a single parent in receipt of state benefits and that she now carries a substantial debt. The Tribunal recognised that Respondent may have difficulties in trying to obtain permanent accommodation which meets her and her family’s housing needs and had regard to the statutory protection available to the Respondent and her family in respect of the Scottish homelessness legislation.
20. On balancing these rights and interests, the Tribunal took the view that continuing the tenancy is not in the interests of either the Applicant or the Respondent. Accordingly, the Tribunal was satisfied that it is reasonable to issue an eviction order.
21. This decision is unanimous.

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.

Karen Moore

Legal Member/Chair

22 July 2025
Date