

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/24/1160

Re: Property at Strageath Mains Farm Cottage, Muthill, Crieff, PH5 2BJ (“the Property”)

Parties:

Drummond Foundation, Estate Office, Muthill, CRIEFF, PH5 2AA (“the Applicant”)

Ms Debby Ross, Strageath Mains Farm Cottage, Muthill, Crieff, PH5 2BJ (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

Introduction

1. These are conjoined applications between the same parties. The first application seeks an eviction order and is under Rule 109 of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The second application seeks a payment order and is under Rule 111 of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Procedural history

2. There is a long history to these applications before the tribunal. An earlier assigned evidential hearing on 24 January 2025 was converted to a Case Management Discussion (‘CMD’) due to the inability of the respondent to participate. Several CMDs have taken place and several Directions have been

issued. There is no need to rehearse in this Decision all earlier sundry procedure. All earlier documents are referred to for their terms.

The respondent's capacity and circumstances

3. The respondent, for some time, has been a detained patient in hospital where she is receiving compulsory inpatient medical care and treatment for her mental health.
4. Dr Ramez Ramzy confirmed on 29 April 2025 that the respondent is capable of participating in tribunal proceedings and also capable of instructing a solicitor. She has capacity to do so. Despite being represented in other legal proceedings, the respondent has freely chosen not to be represented in these proceedings before this tribunal.
5. The respondent was admitted to the Intensive Psychiatric Care Unit ('IPCU'), Carsview, Dundee, on 16 January 2025 on a Section 52 of the Criminal Procedure (Scotland) Act 1995. She attended Court on 12 February 2025 and placed on a Section 52 treatment order and returned to Court on 29 May 2025 and was made the subject of a Compulsion Order under Section 57A. She remained a detained patient who is suffering with a diagnosis of persistent delusional disorder.
6. The patient's Mental Health Officer, Mr Stephen Horsburgh, has produced to the tribunal a social circumstances report dated 7 July 2025 prepared in terms of the Mental Health (Care and Treatment) (Scotland) Act 2003.
7. On 29 August 2025 the Respondent advised that she had been transferred to Murray Royal Hospital in Perth. As at the date of the hearing the respondent remained a detained inpatient. She is currently receiving very limited unescorted daytime passes. Any discharge planning is at an early stage. There are no imminent plans for her discharge.

Documentation submitted into evidence

8. There are two originating bundles of tribunal papers, one for each application, before it. The applicant has lodged a number of further documentary items of evidence and there are now a total of nine inventories of productions for the applicant. The applicant has also provided, from time to time, additional evidence in compliance with the tribunal's Directions which have primarily been from third party professionals who are providing care and treatment to the respondent. The respondent has lodged numerous written submissions during the progress of the applications.
9. The applicant relies upon detailed affidavit evidence of their witnesses. They are Michael Aldridge, Estate Factor (Affidavit 10 January 2025); David Wallace, Assistant Factor (Affidavits 10 January 2025 and 22 August 2025); Neil Gunn, Property Administrator (Affidavit 9 January 2025); and Davina Brown, neighbour, Strageath Mains Farm (Affidavit 10 January 2025).

Final hearing – 2 September 2025

10. A final hearing took place on 2 September 2025 at 10.00 am by teleconference. The mode of hearing chosen to ensure that the respondent was able to participate as fully as possible given her ongoing detention in hospital. The applicant was represented by Ms Olivia Robertson of Levy & McRae Solicitors. The respondent represented her own interests.

Findings and reasons

11. The tribunal was satisfied that it had sufficient detailed evidence to reach a fair determination of both applications. Such evidence includes the emails which the applicant relies upon in terms of establishing the respondent's antisocial behaviour and rent statements. The tribunal attached weight to the entirety of the documentary evidence including the affidavit evidence for the applicant which was found to be credible and reliable and is unchallenged.
12. The applicant is the Drummond Foundation which is a registered charity. The charitable purposes of the Drummond Foundation are the advancement of education, the arts, heritage, cultural, science, environmental protection or improvement and any other purpose that may reasonably be regarded as analogous to any of the preceding purposes.
13. The respondent entered into a private residential tenancy with the applicant on 14 December 2021. Her rent was initially £575 per calendar month. Her rent increased to £592 per calendar month in December 2023. The notice of rent increase was issued to the respondent by recorded delivery post on 8 September 2023 and delivered on 9 September 2023.
14. Conflict between the parties arose from April 2022. The respondent reported a fault with the boiler on 8 April 2022. The boiler had received its annual service in October 2021 prior to the respondent taking up occupation of the property. The applicant's plumber inspected the boiler after the respondent's complaint. The applicant attended to the respondent's concerns as soon as possible and a text message was sent to the respondent at 8.20 pm on 8 April 2022 to inform her that the plumber, Mr Roberts, would be at the property the following morning. The applicant has known Mr Roberts for over 10 years and he has always been effective and reliable. He has several LCL awards, including domestic systems, energy efficiency and oil tank efficiency. Mr Roberts inspected the boiler on 9 April 2022. He identified that the boiler plug had been dislodged, which he rectified, and also changed the oil hose. On the basis of the inspection carried out by Mr Roberts the applicant was satisfied that the boiler was fit for purpose. For unknown reasons the respondent continued to maintain that it was faulty. As agreement could not be reached, the applicant was directed to the First-tier Tribunal Housing Property Chamber.
15. After raising her initial concerns with the boiler, the respondent's behaviour towards Mr Neil Gunn, the property administrator for the applicant's organisation became alarming. The respondent sent many emails to Mr Gunn which contain disparaging and factually unfounded criticisms. She used

inflammatory language calling into question his integrity. These communications caused Mr Gunn significant unnecessary distress.

16. Being concerned about matters escalating and seeking to remedy the conflict, the applicant agreed to replace the boiler entirely despite this not being recommended on professional advice. Attempts were made to agree a date but the respondent did not engage. A new boiler had been purchased and both a plumber and joiner had been engaged to install this on 1 February 2023. The plan was to place the new boiler in the same position as the existing one. The respondent demanded that it be an exterior boiler. The respondent unreasonably refused to allow the contractors access to the property and, furthermore, demanded compensation. Further offensive emails were issued by the respondent to Mr Gunn, some of which contained offensive swearing. There was a high frequency and intensity of the emails which the respondent issued to Mr Gunn which caused him fear and alarm.
17. As a consequence of the relationship between the respondent and Mr Gunn breaking down, Mr Michael Aldridge took over management of the property. He is the estate factor on the Drummond Estates and a Trustee of the Drummond Foundation. He took over responsibility for the management of the property entirely from the end of May 2023.
18. Due to the respondent's refusal to allow access to the property, the applicant required to apply to the First-tier Tribunal Housing Property Chamber to gain access to the property for the purpose of installing the boiler and inspecting the property. The application was made on 5 June 2023. The respondent then issued a high number of emails towards Mr Aldridge and Mr Gunn. Almost 40 emails were sent by the respondent on 5 June 2023. A further 45 emails were sent on 6 June 2023. Inflammatory and offensive language was contained within them. 19 further emails were sent on 8 June 2023, 16 emails sent on 28 June 2023 and 17 emails sent on 29 June 2023. On 1 July 2023 the respondent sent 17 emails, on 8 July 2023 she sent 18 mails, on 9 July 2023 she sent 9 emails, on both 5 September 2023 and 6 September 2023 she sent further emails. Many were derogatory in their terms and by way of example on 6 September 2023 she called Mr Aldridge "an offensive jerk" and Mr Aldridge and his colleagues "total arseholes".
19. In May 2023 the respondent began to demand solar panels be installed in her property. It was explained to the respondent that the applicant was not obliged to instal solar panels and did not intend to do so. The applicant's response appeared to anger the respondent further and lead to further incidents of name calling and threats.
20. On 13 and 14 December 2023 the respondent called Mr Aldridge by phone using offensive language and calling him names. An email on 14 December 2023 sent to Mr Aldridge was in offensive terms. Part of Mr Aldridge's role is to respond to any out of hours calls arising on the estate. Steps had to be taken to block the respondent's telephone number given her behaviour.

21. The new boiler in the property was ultimately installed by Mr Roberts on 25 October 2023 but, subsequently, a further dispute arose as the respondent claimed that the installation was faulty. The installation was checked by independent BOSCH engineers and was found to be in working order. The respondent chose not to operate the boiler still claiming it was faulty.
22. By December 2023 it was clear that the relationship had broken down and there were no prospects of the conflict resolving. Mr Aldridge required to pass management of the respondent's property to another colleague, Mr David Wallace. The respondent's behaviour towards members of the applicant's organisation has been unpredictable and threatening. It has had an adverse impact upon the staff of the applicant's organisation and caused them much distress.
23. Complaints have been received about the respondent from her neighbours. Davina Brown complained on 1 July 2024 that the respondent had shouted aggressively and used foul language towards her daughter and son in law who had come to visit. The respondent has reversed her car to block the way and when she had been asked to move her vehicle she had become aggressive.
24. The respondent has not lived in the property since July 2024 as she was initially remanded in custody in respect of criminal charges and, thereafter, transferred to hospital for treatment under detention. She has since been convicted of three charges of culpable and reckless driving arising from when she drove her car towards her neighbour, Mr John Everick, over a row. The incident with Mr Everick took place at Kinloch Rannoch before Ms Ross came to Drummond Estate. Her convictions for these violent offences in respect of which there were serious concerns for the safety of the public is a significant concern for the applicant and the applicant's staff. It demonstrates and underscores that there is a real danger that the respondent will resort to violence if she does not get her own way.
25. The respondent has been receiving mental health care and treatment on a compulsory basis for a lengthy period of time. She remains an inpatient and there is no imminent plans for her discharge. She is currently receiving limited daytime passes from hospital. As a consequence of this she has visited the tenancy for brief periods on two occasions, the last one being on 5 August 2025. She has not caused any difficulties on these brief occasions. The respondent clearly accepted her past behaviour towards the applicant's staff previously at the evidential hearing. She accepted the terms of the emails produced on behalf of the applicant which speak for themselves. She accepted that the terms of these are abusive but sought to minimise the extent of their impact upon the applicant's staff. This demonstrated a lack of insight into the effect of her behaviour. She also sought to partly justify her actions due to abuse which she says she received verbally from staff of the applicant's organisation. However, the respondent was vague in her assertions in this regard and such claims are unsubstantiated and are not credible. The tribunal finds it likely that in the event of the respondent returning to the property on a full-time basis to live in it will only be a matter of time before she recommences her criticisms of the applicant's staff members. She has not evidenced any

rehabilitation of her approach or understanding of the tenancy agreement, including her own obligations.

26. Property inspections reveal that the garden area of the let property is littered with rubbish and in a state of disarray. Furniture has been abandoned. The external area of the property contains a lot of debris, including furniture and an abandoned vehicle. The garden is unkempt and is overgrown. This has been evidenced by drone photographs. Internally the property is in a very poor state. The floors and surfaces are covered in items, including clothes and rubbish. Dirty dishes remain in the kitchen. There is food debris, including pet food. The property has been infested by rodents which have further damaged the property. The internal condition is evidenced by a condition report with photographs.
27. The respondent has been in rent arrears since September 2023, now a period of 2 years. Her arrears as at 15 October 2024 had accumulated to £3,061. An up to date rent statement was produced for the final hearing which discloses that as at 15 August 2025, the total outstanding rent arrears are £4,411.00. The respondent accepts the rent arrears. The current monthly rental payments of £592 are being paid but irregularly. Universal credit payments of £375 are being topped up by the respondent's mother in the sum of £217 to meet the monthly charges. However, no attempt has been made to clear the lengthy rent arrears and no proposals have been made to repay the arrears. The respondent stated that she has made proposals but these are not evidenced.
28. The tribunal finds that the applicant has discharged the burden of proof to the relevant standard being a balance of probabilities. All three eviction grounds are established. The eviction application is based upon three grounds, namely grounds 11, 12 and 14. Ground 11 is an eviction ground where the tenant has failed to comply with an obligation under the tenancy. The tribunal finds that the respondent has breached the obligation to pay rent being Clause 7 of the tenancy agreement. The tribunal also finds that the respondent has breached Clause 16 which is her obligation to keep the property in reasonable care and to maintain fixtures and fittings. Ground 12 is an eviction ground where the tenant has been in rent arrears for three or more consecutive months. This is established and the respondent does not dispute this. Ground 14 is an eviction ground where the tenant is engaged in relevant antisocial behaviour. Ground 14 sets out that a person is to be regarded as behaving in an antisocial manner in relation to another person by doing something which causes or is likely to cause the other person alarm, distress, nuisance or annoyance, and/or pursuing in relation to the other person a course of conduct which causes or is likely to cause another person alarm, distress, nuisance or annoyance, or amounts to harassment on the other person. On the basis of the facts set out in this decision, the tribunal finds that the respondent has engaged in antisocial behaviour. Further the tribunal, for the reasons set out, finds that such antisocial behaviour is likely to be repeated in the event of the respondent returning to live in the property.
29. There are currently no plans for the respondent to return to the property and she remains a detained inpatient. The respondent's discharge from hospital is

not yet contemplated. When plans are formulated her housing needs will be fully assessed by the local authority. A section 11 homelessness notice has been issued. Alternative accommodation for the respondent will be sourced. The local authority will have a duty to provide alternative accommodation. The respondent's mental health has not been assisted due to the conflict which has arisen with the applicant organisation throughout the duration of the tenancy. It is not in the respondent's interests to return to the let property. Correspondingly it is in her interests in the future, once discharged from hospital, to take up occupation of a new property elsewhere.

30. It is not reasonable for the applicant to continue to make the let property available to the respondent. She has not lived at the property since July 2024, in excess of one year ago. Three grounds for eviction have been established. Cumulatively taken together the grounds established support very strong reasons for the applicant seeking vacant possession. It is reasonable, equitable, proportionate and fair, for an eviction order to be granted.
31. The applicant is entitled to recover arrears of rent due under and in terms of the lease. A payment order in the sum of £4,411.00 is necessary. The respondent has not made any reasonable proposals for settlement of the outstanding sums. No application for a time to pay direction has been made.

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

2 September 2025

Legal Member/Chair

Date