



**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/25/0618

Re: Property at 16 Maxwell Place, Glenrothes, KY6 1ET (“the Property”)

Parties:

**REWD 66 Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3
8BH (“the Applicant”)**

**Shannon Storrar, Daniel Lindsey, 16 Maxwell Place, Glenrothes, KY6 1ET; 24
Main Street, Kinglassie, Lochgelly, KY5 0XA (“the Respondent”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondents)

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

Background

1. By application dated 12 January 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. The application was conjoined with application reference FTS/HPC/CV/25/0385 in terms of which the applicant seeks an order for payment against the first respondent in respect of rent arrears.
2. The following documents were submitted with the application:
 - Tenancy agreement
 - Rent increase notice

- Rent statement
 - Pre action correspondence
 - Section 11 notice
 - Notices to leave with proof of service
3. The second respondent emailed the Tribunal on 14 July 2025 stating that he had terminated his interest in the tenancy when he moved out in April 2024. He stated that he would not be attending the case management discussion. The second respondent submitted:
- correspondence with Mr Gray, Gilson Gray solicitors
 - correspondence with Countrywide lettings agents
 - signed Vacating Sharers document

Case management discussion (“cmd”) – 20 August 2025 – teleconference

4. The applicant was represented by Mr Gray, Gilson Gray solicitors. Neither respondent attended. The Tribunal was satisfied that the respondents had received proper notice of the cmd and proceeded in their absence in terms of rule 29.
5. Prior to the hearing the applicant had lodged an updated rent statement showing that arrears had increased to £9300 as at 21 July 2025.
6. Mr Gray sought an order for eviction. He referred to the applicant’s written submissions. He stated that the respondents had previously been in a relationship. The second respondent had moved out of the property in April 2024. The first respondent resided in the property alone. No payment had been made to the rent account since December 2024. The applicant’s letting agent had sought to engage with the first respondent to address the arrears however there had been no response from the first respondent. Mr Gray stated that the applicant is a commercial landlord. The first respondent’s conduct is having a negative impact on the applicant’s financial circumstances. The applicant intends to re-let the property in the event an eviction order is granted.
7. Mr Gray confirmed that the applicant is not pursuing the second respondent for payment of the outstanding arrears. Mr Gray stated that the document submitted by the second respondent did not fulfil the requirements of sections 48 and 49 of the 2016 Act which relate to termination of a joint tenancy. Mr Gray

stated that the notice fell short as it referred only to the second respondent's intention to leave. In addition the tenancy could not have been brought to an end as the first respondent continued to reside in the property after the tenancy had ended.

Findings in fact

8. Parties entered into a tenancy agreement with a commencement date of 21 July 2023
9. Monthly rent was initially £600 increasing to £675 from 21 August 2024.
10. The second respondent gave written notice to the applicant that he was leaving the tenancy on 21 April 2024.
11. The first respondent gave written notice to the applicant's letting agents that she would remain liable for all the obligations of the tenancy agreement after the second respondent moved out.
12. Rent arrears as at 20 August 2025 amount to £9300.
13. The second respondent has not made any payments of rent since December 2024.
14. The second respondent resides alone in the tenancy.
15. The applicant's letting agents wrote to the respondent on 6 June 2024 and 13 June 2024 seeking to discuss the rent arrears issue.
16. The second respondent has failed to engage with the applicant's letting agents.
17. The second respondent has not lodged and written opposition to the present application and did not attend the case management discussion to oppose and order being granted.
18. The applicant intends to re-let the property.

Reasons for the decision

19. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

20. 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.

21. The Tribunal was satisfied that 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.

22. The Tribunal had regard to the application and the documents lodged by the applicant and the second respondent. The Tribunal also took into account Mr Gray's submissions at the cmd.

23. 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.

24. The Tribunal was satisfied on the basis of the rent accounts that had been lodged that there had been arrears of rent for a period in excess of three months.
25. 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.
26. The Tribunal determined that the correspondence sent to the second respondent on 6 and 13 June 2024 complied with the pre-action requirements.
27. The Tribunal gave significant weight to the fact that the second respondent did not oppose the order for eviction being granted and made no objection to the reasonableness of the order being granted.
28. The Tribunal also gave significant weight to the high level of arrears and the fact that no payments had been made since December 2024. Arrears were continuing to rise which was having a negative financial impact on the applicant.
29. The Tribunal gave weight to the unopposed information provided by Mr Gray that the second respondent resided alone.
30. The Tribunal considered that in the absence of any opposition from the second respondent it was reasonable in the foregoing circumstances to grant an order for eviction.
31. The Tribunal considered whether an eviction order was required against both respondents. The Tribunal had regard to the written notice submitted by the second respondent stating that he would leave the tenancy on 21 April 2024. It was clear from the notice and accompanying correspondence with the letting agents that all parties were aware that the second respondent was moving out of the property and that the first respondent agreed to assume liability for the

rental payments. However, the notice to end the tenancy is from one joint tenant with the first respondent continuing in the property, In the circumstances the Tribunal determined that the notice had not terminated the tenancy in terms of sections 48 and 48 of the 2016 Act and determined to grant an eviction 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.

Mary-Claire Kelly

Mary-Claire Kelly

Legal Member/Chair

20 August 2025

Date