



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/25/1156

Re: Property at 44a Marketgate, Arbroath, Angus, DD11 1AT (“the Property”)

Parties:

Bellrock (Scotland) Limited, 58 Nolt Loan Road, Arbroath, DD11 2AH (“the Applicant”)

Miss Lorette Martha Thomson, 44a Marketgate, Arbroath, Angus, DD11 1AT (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application, dated 14 March 2025, the Applicant sought an Order for Possession of the Property under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, namely that the Respondent has been in rent arrears for three or more consecutive months.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 14 June 2023 at a monthly rent of £300 per month, a Notice increasing the rent to £318 per month with effect from 1 August 2024, a Notice to Leave, dated 3 January 2025, advising the Respondents that the Applicant was seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 8 February 2025, thirteen pre-action protocol letters dated between 6 February 2024 and 6 February 2025,

signposting the Respondent to sources of possible help and advice, and a Rent Statement showing arrears of £3,111 as at the date of the application. £320 had been paid on 7 February and 7 March 2025. These were the first payments since 5 September 2024.

3. The Applicant stated that the Respondent's arrears were now more than 10 months and that she had failed to make regular monthly payments or to arrange a repayment plan. Accordingly, it would be reasonable for the Tribunal to issue an Eviction Order.
4. On 8 August 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 29 August 2025. The Respondent did not make any written representations to the Tribunal.
5. On 10 September 2025, solicitors acting for the Applicant provided an updated Rent Statement. It showed arrears as at 1 September 2025 of £5,337, with no payments having been made since the date of the application

Case Management Discussion

6. A Case Management Discussion was held by means of a telephone conference call on the morning of 18 September 2025. The Applicant was represented by Mr Joseph Myles of J Myles & Co, solicitors, Dundee. The Respondent was not present or represented. The Applicant's representative told the Tribunal that there had been no payments of rent in the days following the updated Rent Statement. He understood that the Respondent has no dependants living with her, that she is unemployed and in receipt of benefits. The Applicant had contacted DWP to try to have the housing element of her benefits paid directly to the Applicant, but this had been refused. Mr Myles submitted that it would be reasonable for the Tribunal to issue an Eviction Order.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the Eviction Grounds named in Schedule 3 applies.
9. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, for three or more consecutive months, the tenant has been in arrears of rent and the Tribunal is satisfied that

it is reasonable on account of that fact to issue an Eviction Order, In deciding whether it is reasonable to issue an Eviction Order, the Tribunal is to consider 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 the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers.

10. The Tribunal was satisfied that the requirements of Ground 12 had been met and the only question for the Tribunal was whether it would be reasonable to issue an Eviction Order. The Tribunal noted that the arrears are very high and longstanding and that the Respondent did not take up offers in a number of pre-action protocol letters to discuss a payment plan. She had paid nothing since the date of the application and had not made any written representations or appeared at the Case Management Discussion to offer any facts or circumstances that she wished the Tribunal to take into account when deciding whether it would be reasonable to issue an Eviction Order against her.

11. Having considered all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.

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.

G Clark

Legal Member/Chair

18 September 2025
Date