



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

Reference number: FTS/HPC/EV/24/5153

Order granted on 22 August 2025 in absence of the Respondent

Property: Glenative, Auchengate, Irvine, North Ayrshire, KA11 5BQ

Parties:

Auchengate Sawmills (Irvine) Ltd, a company incorporated under the Companies Acts and having their registered office at Auchengate, Irvine, North Ayrshire, KA11 5BQ ("the Applicant")

Ms Catherine Jeffrey, residing at Glenative, Auchengate, Irvine, North Ayrshire, KA11 5BQ ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)
Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

Background

Summary of Discussion

1. The Applicant seeks recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The

Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, a Notice to leave, served on 17/12/2024, together with a notice under s.11 of the Homelessness (Scotland) Act 2003.

2 By interlocutor date 31/03/2025, the application was referred to this tribunal. The First-tier Tribunal for Scotland (Housing and Property Chamber) served notice of referral on both parties, directing the parties to make any further written representations.

3. A Case Management Discussion took place before the Tribunal by telephone conference at 10.00am on 22/08/2025. The Applicant was represented by Mrs Julie McCulloch. The Respondent was neither present nor represented.

Findings in Fact

4. The Tribunal made the following findings in fact:

(a) The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 08/12/2023. In terms of clause 8 of the tenancy agreement the respondent agreed to pay rental at the rate of £800.00 per month.

(b) The Respondent has allowed rent arrears to accumulate since February 2024. When the application was submitted there were rent arrears of £9,408.98. Today, the rent arrears total £13,970.

(c) On 17/12/2024 the Applicant served a notice to leave on the Respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 27/02/2024 the Applicant submitted this application to the tribunal.

(d) At the date of application there were more than eleven months arrears of rental. At today's date the rental is 17½ months in arrears.

(e) The Applicant seeks recovery of possession of the Property in terms of Ground 12 of part 3 of schedule 3 to the 2016 Act. The rental was 11 months in arrears at the date the application was submitted. Rental is now 17½ months in arrears.

(f) The Respondent has no known vulnerabilities. The Respondent has not properly engaged with the Applicant; she has chosen not to explain why significant arrears of rental have accrued. There are no known delays or failures in the payment of benefits, and the Applicant has complied with the pre-action protocol prescribed by the Scottish Ministers.

(g) It is not argued that it is unreasonable to grant an order for repossession of the property.

Reasons for the Decision

5. The Applicant seeks recovery of possession of the Property in terms of Ground 12 of schedule 3 to the 2016 Act. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

6. The Tribunal makes an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in terms of Ground 12 of schedule 3 to the 2016 Act is established.

7. In all the circumstances, it is reasonable to grant an order for possession.

8. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 12 of part 3 of schedule 3 to the 2016 Act.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

**Paul Doyle
Legal Member**

22 August 2025