



**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/25/0647

Re: Property at 84e Queen Street, Peterhead, AB42 1TT (“the Property”)

Parties:

**Mercury Gas Services Scotland Limited, Unit 6, 25 Broad Place, Peterhead, AB42
1JD (“the Applicant”)**

**Mr Jordan Lawrence, 84e Queen Street, Peterhead, AB42 1TT (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for eviction should be granted.**

Background

1. On 17th February 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 31st October 2023 and a rent of £299 per month;
 - ii. Copy Notice to Leave dated 31st December 2024;
 - iii. Copy email dated 31st December 2024 to the Respondent serving the Notice to Leave;
 - iv. Section 11 Notice and proof of service;

- v. Copy Rent Statement showing arrears of £2392 as at 28th February 2025;
 - vi. Pre Action Requirements letter
3. The Application was served on the Respondent by Sheriff Officers on 28th August 2025.

Case Management Discussion

4. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Ms Wilson of Peterhead Property Letting Agency. There was no attendance by the Respondent or any representative on his behalf.
5. Ms Wilson sought an order for eviction in terms of ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. She said that the current arrears were £4186. The property is a one bedroomed top floor flat and the Respondent lives alone there. He is not in work as far as Ms Wilson knows. He does have social work involvement. Ms Wilson has tried to contact him regarding payment of arrears, and the Applicant has also tried to contact him by text. Ms Wilson contacted the DWP at one point to ask for direct payment of housing benefit to the Applicant, but they replied that they were unable to assist.

Findings in Fact

- a. The Respondent entered into a Private Residential Tenancy with AMPG Limited in respect of the property commencing 31st October 2023 and with a rent of £299 per month;
- b. The Applicant purchased the property from AMPG Limited on 30th July 2024;
- c. A Notice To Leave, dated 31st December 2024, was served timeously and correctly;
- d. A section 11 notice was served on the local authority;
- e. The Application was served on the Respondent by Sheriff Officer on 28th August 2025;
- f. The Applicant complied with the Pre Action Requirements;
- g. The arrears at the time the Notice to Leave was served were £1794;
- h. The arrears at the time the application was made were £2093;
- i. The current arrears are £4485;
- j. The Respondent lives alone in the property.

Reasons for Decision

6. Ground 12 states as follows:

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.

(5) For the purposes of this paragraph—

(a) references to a relevant benefit are to—

(i) a rent allowance or rent rebate under the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971),

(ii) a payment on account awarded under regulation 91 of those Regulations,

(iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,

(iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,

(b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.

(6) Regulations under sub-paragraph (4)(b) may make provision about—

(a) information which should be provided by a landlord to a tenant (including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy),

(b) steps which should be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,

(c) such other matters as the Scottish Ministers consider appropriate.

7. The Tribunal is satisfied that the ground of eviction has been met, as the rent is now fourteen months in arrears.
8. The Tribunal is also satisfied that it is reasonable to grant the order. The Respondent lives alone in the property. He has no dependents living with him. The arrears do not appear to have been caused by a delay or failure in the payment of a relevant benefit. The Tribunal is of the view that being in arrears of rent in an amount equating to fourteen months of missed payments makes the granting of an eviction order reasonable in and of itself.

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.

Alison Kelly

6th October 2025

Legal Member/Chair

Date