



**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/25/1134

Re: Property at Station Cottage, Kilkerran, Maybole, KA19 8LS (“the Property”)

Parties:

Kilkerran Estate Trust, Kilkerran House, Maybole, KA19 7SJ (“the Applicant”)

**Mr Kenneth Lionel Keay Pickering, Mrs Sarah Ann Pickering, Station Cottage,
Kilkerran, Maybole, KA19 8LS (“the Respondents”)**

Tribunal Members:

Graham Harding (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the First Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that The Applicant was entitled to an order for the eviction of the Respondents from the property but that enforcement of the order should be suspended for a period of two months from the date of the decision.

Background

1. By application dated 13 March 2025 the Applicants’ representative, Ms Caroline McMillan, Stanley Wright Ltd, Sanquhar, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant submitted a copy of a tenancy agreement, Notice to Leave with execution of service, a rent statement, Pre-action Requirement letters, Rent Increase Notice, Section 11 Notice and a letter of authorisation together with other documents in support of the application.

2. By Notice of Acceptance dated 8 May 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation of the CMD was served on the Respondents by Sheriff Officers on 25 August 2025.
4. By email dated 11 September 2025 the Second Respondent, Mrs Sarah Pickering's representatives, Ayr Housing Aid Centre, Ayr, submitted written representations on behalf of the Second Respondent only.

The Case Management Discussion

5. A CMD was held by teleconference on 8 October 2025. The Applicant was represented by Ms Caroline McMillan from the Applicant's representatives. The First Respondent did not attend nor was he represented. The Second Respondent did not attend but was represented by Mr David Anderson from Ayr Housing Aid Centre. As the First Respondent had been given proper intimation of the date and time of the CMD the Tribunal determined to proceed in his absence.
6. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 8 June 2018 at a rent of £475.00 per calendar month and that this was increased on 8 June 2020 to £490.00 per calendar month.
7. The Tribunal also noted that the Respondents had been served with a Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act by email on 25 September 2024 and that a Section 11 Notice had been sent to Ayrshire Council by email on 13 March 2025. The Tribunal also noted that Pre-action Requirement letters had been sent to the Respondents by the Applicants representatives on 30 April and 14 May 2024.
8. The Tribunal noted from the Second Respondent's representative's written representations dated 11 September 2025 that the Second Respondent had accepted the tenancy of a Local Authority property on 4 September 2025 and queried with Mr Anderson if the Second Respondent had now vacated the property. Mr Anderson advised the Tribunal that the Second Respondent had not yet obtained the keys to her new home as some repairs had been needed but that it was anticipated that the Second Respondent would be moving in the next four to six weeks.
9. The Tribunal queried with Ms McMillan what rent was currently due by the Respondents. Ms McMillan advised the Tribunal that the Respondents owed rent amounting to £15645.00 with a further rent payment due today. Ms McMillan said that the full rent had been paid by the Respondents since the Application had been raised but no payment

had been made to reduce the arrears. Ms McMillan submitted that it was reasonable to grant an order for eviction.

10. For the Second Respondent, Mr Anderson submitted that given the Second Respondent's physical and mental health issues it would not be reasonable to grant an order for eviction until the Second Respondent was in a position to move out of the property into her new home.
11. The Tribunal queried with Mr Anderson if a satisfactory way forward would be to grant an order for eviction but to suspend enforcement for a period of two months to allow the Second Respondent to move home. Mr Anderson confirmed this would be sufficient time to allow the Second Respondent to obtain the keys to her new property and for her representatives to assist her in moving. For the Applicant Ms McMillan suggested that although she had no objection to a longer period than the usual 30 days for enforcement, the Applicant had already shown the Respondents a lot of leeway and perhaps a shorter period of suspension was appropriate.
12. In response to a query as to whether the First Respondent had made any applications for housing both Mr Anderson and Ms McMillan said they had no information in that regard.

Findings in Fact

13. The Respondents commenced a Private Residential Tenancy of the property on 8 June 2018.
14. A Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act was served on the Respondents on 25 September 2024.
15. Pre-action requirement letters were sent to the Respondents by email on 30 April and 14 May 2024.
16. A Section 11 Notice was sent to Ayrshire Council on 13 March 2025.
17. The Second Respondent did not dispute that the Respondents owed the Applicant rent but did dispute the total amount.
18. The Second Respondent has obtained a tenancy of a Local Authority property and intends to move within four to six weeks from the date of the CMD.
19. The Second Respondent suffers from ill health and is sometimes housebound.

Reasons for Decision

20. The Tribunal was satisfied from the documents submitted and the oral submissions of both parties that the parties entered into a Private Residential tenancy that commenced on 8 June 2018. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 12 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Ayrshire Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the Applicant's representative's oral submissions that substantial arrears remain outstanding and this was not disputed by Mr Anderson.
21. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be made. In reaching a decision on reasonableness the Tribunal noted that neither party present took any significant issue with the other party's position as stated by them. The Tribunal therefore had to balance the needs of the Applicant with the needs of the Respondents in arriving at a decision. In reaching its decision the Tribunal took account of the fact that the First Respondent despite being given an opportunity to submit written representations and to attend the CMD had chosen to do neither. The Tribunal also took account of the considerable amount of arrears of rent that had accrued although it appeared that at least in the last few months rent was once again being paid but with no payments being made to reduce the arrears. The Tribunal also took account of the fact that the Second Respondent intended to move out of the property in the near future into a Local Authority property.
22. After carefully considering the circumstances of all the parties in as far as they were known to the Tribunal, the Tribunal was persuaded that it was reasonable to grant the order but that enforcement of the order should be suspended for a period of two months to allow the Second Respondent time to move into her new home and for the First Respondent to find alternative accommodation if he has not already taken steps to do so.

Decision

23. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing, finds the Applicant entitled to an order for the eviction of the Respondent from the property but that enforcement of the order should be suspended for a period of two months.

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.

**Graham Harding
Legal Member/Chair**

Date 8 October 2025