



**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/25/1137

**Re: Property at 62 Auchmill Road, Bucksburn, Aberdeen, AB21 9LQ (“the
Property”)**

Parties:

**Ms Frances Emily Rodway, Contrada Pietrascitta 20, Atesa, Chieti, 66041, Italy
 (“the Applicant”)**

**Mr Salvijus Varanavicius, 62 Auchmill Road, Bucksburn, Aberdeen, AB21 9LQ
 (“the Respondent”)**

Tribunal Members:

Gillian Buchanan (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 15 September 2025, the Applicant was not present but was represented by Mr James Sloan of DJ Alexander. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondents having received notice of the CMD and determined to proceed in the absence of the Respondents in terms of Rule 29.

Prior to the CMD Mr Sloan had lodged with the Tribunal by email dated 15 September 2025 an up to date Rent Statement.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that -**

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.

- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 9 February 2022.
- iii. The rent payable in terms of the PRT was originally £450 per calendar month.
- iv. The rent has subsequently increased, by Rent Increase Notices dated 1 April 2023 and 1 April 2024 effective from 9 July 2023 and 9 July 2024 respectively.
- v. The rent is currently £491.31 per calendar month.
- vi. On 5 February 2025, the Applicant per her agents served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 9 March 2025 on the basis that rent arrears had accrued over three consecutive months.
- vii. As at the date of the Notice to Leave being served the arrears accrued were £1965.24.
- viii. The Applicant served on Aberdeen City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- ix. The Applicant per her agents has served on the Respondent communications to comply with the Scottish Government's pre-action protocols.

The CMD

At the CMD Mr Sloan for the Applicant made the following representations:-

- i. The deposit of £450 paid by the Respondent to the Applicant at the outset of the PRT is still held.
- ii. There has been no Rent Increase Notice served in 2025.
- iii. The rent arrears as at the CMD are £5,895.72.
- iv. The last payment of rent made by the Respondent was on 20 September 2024 in a sum of £491.31.
- v. The Respondent remains in occupation of the Property.
- vi. He lives in the Property alone.
- vii. The Respondent is understood not to be in employment and is unable to claim any state benefits due to his foreign national status. He has been living on funds from friends and family.
- viii. The last contact with the Respondent was in June 2025. Despite numerous efforts to contact him since he has not replied. Mr Sloan tried to call the Respondent just prior to the CMD without success.
- ix. The Respondent previously alluded to alcohol addiction issues and intended to try to get back into work. This was proving difficult and he was trying to find solutions in his social group, such as finding someone to stay with or providing financial support with the rent arrears. There has been no further update from the Respondent.
- x. The Property is not adapted.
- xi. The pre action protocol letters were sent on 18 November 2024, 30 January 2025 and on a subsequent unknown date. The practice of DJ Alexander is to issue successive pre-action protocol letters in the following way, namely by email, then by hand delivery, then by recorded delivery post.
- xii. The Respondent previously indicated he had sought advice from the local authority and local benefit office. He was also advised to speak to the Citizens Advice Bureau and the local authority regarding temporary accommodation.
- xiii. The Applicant seeks an eviction order.

Findings in Fact

The Tribunal made the following findings in fact:-

- i. The Applicant is the heritable proprietor of the Property.

- ii. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 9 February 2022.
- iii. The rent payable in terms of the PRT was originally £450 per calendar month.
- iv. The rent was subsequently increased by Rent Increase Notices dated 1 April 2023 and 1 April 2024 effective from 9 July 2023 and 9 July 2024 respectively.
- v. The rent is currently £491.31 per calendar month.
- vi. On 5 February 2025, the Applicant per her agents served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 9 March 2025 on the basis that rent arrears had accrued over three consecutive months.
- vii. As at the date of the Notice to Leave being served the arrears accrued were £1965.24.
- viii. The Applicant has served on Aberdeen City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- ix. The Applicant per her agents has served on the Respondent communications to comply with the Scottish Government's pre-action protocols.
- x. The deposit of £450 paid by the Respondent to the Applicant at the outset of the PRT is still held.
- xi. The rent arrears as at the CMD are £5,895.72.
- xii. The last payment of rent made by the Respondent was on 20 September 2024 in a sum of £491.31.
- xiii. The Respondent remains in occupation of the Property.
- xiv. He lives in the Property alone.
- xv. The last contact with the Respondent was in June 2025. Despite numerous efforts to contact him since he has not replied.
- xvi. The Respondent previously alluded to alcohol addiction issues and intended to try to get back into work. He said he was trying to find solutions in his social group, such as finding someone to stay with or providing financial support with the rent arrears. There has been no further update from the Respondent.
- xvii. The Property is not adapted.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Mr Sloan at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal considered whether or not it would be reasonable to grant an eviction order and determined that it is reasonable to grant an eviction order under Ground 12 of Schedule 3 of the 2016 Act on the basis that the rent arrears have accrued over a prolonged period of almost a year with no payment of any sort having been made towards rent due since 20 September 2024.

Decision

The Tribunal granted an eviction order in favour of the Applicant.

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.

Gillian Buchanan

Legal Member/Chair

15 September 2025
Date