



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/25/1357

Re: Property at 8D Castle Place, Montrose, DD10 8AL (“the Property”)

Parties:

Mr Clayton Merriman, 86 Ketts Hill, Norwich, Norfolk, NR1 4EZ (“the Applicant”)

Miss Mary Urquhart, 8D Castle Place, Montrose, DD10 8AL (“the Respondent”)

Tribunal Members:

Gabrielle Miller (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 recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 3rd March 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 18th August 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 25th September 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 8th September 2025.
3. On 10th September 2025, the Applicant’s representative emailed the Housing and Property Chamber requested the amount sought be increased to £4010 for the conjoined application. This due to continuous nonpayment of rent. This was

notified to the Respondent by the Housing and Property Chamber and by the Applicant's representative.

4. On 20th August 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 20th August 2025.
5. The case was conjoined with case FTS/HPC/CV/20/1359

The Case Management Discussion

6. A CMD was held on 25th September 2025 at 10am by teleconferencing. The Applicant was not present but was represented by Ms Sandy Wooley, Solicitor, Bannatyne, Kirkwood France & Co. The Respondent was not present and was not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
7. Ms Wooley said that the last contact from the Respondent was in March 2025 with regard to arranging an inspection. She noted that the inspection did not proceed and the Respondent has not been able to be contacted since that point. The Applicant is concerned for the state of the Property. There have been several attempts to undertake an inspection, to undertake repairs or to carry out such matters to allow the Applicant to meet his legal duties as a landlord.
8. Ms Wooley said that she was not aware as to why the Respondent has stopped making payments. When the tenancy started, he was employed as a bartender. It is not known if he has changed his employment or is now unemployed. There has been no rent forthcoming from Universal Credit to the Applicant.
9. The current arrears are £4370 as there has been no payment made on 14th September 2025.
10. Ms Wooley said it is not believed that the Respondent has any significant health conditions or disabilities. It is a studio flat. He rented it as a single person and it is not believed that anyone else lives with him.
11. The Tribunal was satisfied that it was reasonable to grant an order for eviction.

Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 14th December 2023.
13. The Respondent persistently failed to pay her rent charge of £360 per month. The rent payments are due to be paid on the fourteenth day of each month.
14. The Respondent has been in rent arrears for three or more consecutive months when the notice was served.

15. The Respondent has not been in contact with the Applicant or his agents since March 2025.
16. The Respondent has not paid any rent since 2nd December 2024, which was a late payment for the rent charge which was due on 14th November 2024.
17. The arrears sought in the conjoined application are £4010. However, this figure has increased to £4370 since the amount sought was last amended. This is due to the rent for September 2025 not having been paid on 14th September 2025.
18. There are no issues of reasonableness that prevent an order from being granted.

Decision

19. The Tribunal found that ground 12 has been established and granted an 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.

Gabrielle Miller

Legal Member/Chair

Date 25th September 2025