



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 2014

Chamber Ref: FTS/HPC/EV/25/1278

Re: Property at 18 Hamilton Avenue, Haddington, East Lothian, EH41 3FX (“the Property”)

Parties:

Ms Jessica Reuvers and Mr Michael Reuvers, both EXPO village residences B, EXPO vil, Dubai, United Arab Emirates (“the Applicants”)

Mr Stuart King, 18 Hamilton Avenue, Haddington, East Lothian, EH41 3FX (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it could decide the application without a Hearing and that it was reasonable to issue an Eviction Order against the Respondent.

Background

1. By application dated 24 March 2025, the Applicants sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 17 September 2024 at a rent of £1,300 per month, and a Notice to Leave dated 21 February 2025 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 24 March 2025.
3. On 30 June 2025, the Applicants’ agents advised the Tribunal that the Respondent had been convicted of a serious assault. This conviction had

caused significant alarm and distress to the Applicants, who were already experiencing acute financial and emotional hardship due to the Respondent's ongoing failure to pay rent, the arrears now being over £6,000. One of the Applicants had been prescribed antidepressants in May 2025. Despite being informed multiple times that the Respondent was on a payment plan, no payments had been received and there had been no communication regarding debt recovery efforts. The Applicants were now in a position where they cannot afford alternative accommodation while their own property is occupied by a tenant paying no rent and with a recent criminal conviction.

4. On 15 August 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 5 September 2025. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 24 September 2025. The Applicants were represented by Mrs Eleanor Vacca of Umega Lettings, Edinburgh. The Respondent was not present or represented.
6. Mrs Vacca told the Tribunal that the only rent being received is an amount of approximately £180 per month from Universal Credit. The Respondent himself has paid no rent since the email of 30 June 2025. The arrears are now in excess of £10,000. She understood that the local authority Housing Department have been in contact with the Respondent. He lives in the Property on his own, although his children visit from time to time. Mrs Vacca added that the principal reason for the Applicants wishing to sell is that they are divorcing and need to realise any joint assets. It was for that reason that the Notice to Leave was served so soon after the tenancy began.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in Schedule 3 to the 2016 Act applies.
9. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable to issue

an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

10. The Tribunal was satisfied from that the Applicants intend to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
11. The Tribunal noted that the Respondent has rent arrears of more than £10,000 and has not made any effort to pay the balance of rent in excess of his Universal Credit payments on a monthly basis or to reduce the arrears, which are increasing every month. He had not engaged with the Tribunal process, had not provided any written representations and had chosen not to attend or be represented at the Case Management Discussion, so had provided the Tribunal with no information which would suggest that it would not be reasonable to make an Eviction Order against him.
12. The Tribunal noted that the Applicants' position is that this has resulted in their being unable to meet their mortgage obligations and has caused mental stress with one of them being prescribed antidepressants in May 2025. The Tribunal also noted the information provided by their representative at the Case Management Discussion that the Applicants are no longer a couple and are going through divorce proceedings which include having to realise joint assets, including the Property.
13. Having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order against the Respondent.
14. The Tribunal's decision was unanimous

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.

George Clark

Legal Member/Chair

24 September 2025
Date