



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Housing
(Scotland) Act 1988**

Chamber Ref: FTS/HPC/EV/25/1303

**Re: Property at Flat 2, 2 Cunningham Street, Dundee, DD4 6QR (“the
Property”)**

Parties:

**Mr George Kwek, Heatherbank Auchmuirbridge, Leslie, Glenrothes, Fife, KY6
3JD (“the Applicant”)**

**Mr William Gibb, Flat 2, 2 Cunningham Street, Dundee, DD4 6QR (“the
Respondent”)**

Tribunal Members:

Mark Thorley (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

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

- **Background**

The applicant applied to the tribunal by application dated 25th March 2025.

Accompanying the application were the following documents

Short assured tenancy dated 27th January 2014
Form AT5 dated 27th January 2014
Form AT6 dated 4th September 2024
Sheriff officer’s execution of service of form AT6
Section 11 notice dated 25th March 2025
Email to local authority attaching section 11 notice
Pre action letters

The application was accepted for determination on the 5th of June 2025.

The application was served by Sheriff Officer's depositing on the 3rd of September 2025.

- **The Case Management Discussion**

At the case management discussion Mr Folds attended on behalf of the applicant. There was no appearance by or for the respondent.

At the time that the application was lodged the outstanding arrears were £8299.21. The last payment of rent was made on the 11th of April 2024.

At the time of the hearing arrears had increased to £10,321.21.

- **Findings in Fact**

1. The parties entered into a short assured tenancy for the rental of the property at the rent of £337 per calendar month.
2. At the date of the application being lodged the outstanding sums were £8299.21
3. At the date of the case management discussion arrears had increased to £10,321.21.
4. The last payment of rent made was on the 11th of April 2024 in the sum of £150.
5. The respondent had persistently delayed in paying rent.
6. A significant amount of rent was lawfully due.

- **Reasons for Decision**

The paperwork produced by the applicant was in order. The rent was relatively a small one per month. The arrears had occurred were significant. There had been no payment of rent since April 2024.

Little was known about the respondent. It was understood he was a single man. He had not engaged. He was not present at the hearing nor was he represented. He had not provided any submissions to the tribunal. Accordingly, no contradictory position was put forward.

The Tribunal accepted the paperwork and oral submissions made by the applicant. The current arrears of rent amounted to more than 30 months of rent that had not been paid. It was clear that the respondent had persistently delayed in paying rent and that there was a significant amount of rent due.

- **Decision**

To grant an order of eviction

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.

Mark Thorley

22 October 2025

Legal Member/Chair

Date