



**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/25/1224**

**Re: Property at 2fr 11 Pitfour Street, West End, Dundee, DD2 2NU (“the  
Property”)**

**Parties:**

**Mrs Amy Munro, Mr Ian William Munro, 43 Russell Drive, Bathgate, EH48 2GG  
 (“the Applicant”)**

**Mr Joshua Kolade Nwachukwu, 2fr 11 Pitfour Street, West End, Dundee, DD2  
2NU (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and Elaine Munroe (Ordinary Member)**

**Decision**

**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 for an order of eviction of the respondent. The application was received by the tribunal on 21<sup>st</sup> March 2025. Accompanying the application was a copy of the tenancy agreement, landlord letter authority, notice to leave and delivery of notice to leave, pre action requirements, section 11 notice and delivery of section 11 notice and rent statement.

The application was served by sheriff officers. Prior to the hearing the applicant lodged an up-to-date rent statement

The ground of eviction was under ground 12 namely that the respondent had been for more than three consecutive months in rent arrears. At the time of the application

the arrears of rent were £3225. Rental per month was £995. By the time of the hearing arrears had increased to £5690

- The Case Management Discussion

Add the case management discussion Mr Sloane appeared on behalf of the applicant. The respondent attended himself.

The respondent accepted the extent of the arrears. He lived at the property alone. He was working in St Andrews and earning approximately £2800 net per month. Rent arrears had increased because he had prioritised other debts. He indicated however that he could pay off the whole amount of the arrears by the end of the year. He worked in St Andrews but had a restaurant in Nigeria.

Mr Sloane for the applicant indicated that there had been agreement reached in June for him to pay £1000 per month but that he had failed to do so. It appeared that he paid approximately £3000 across a period of four months. The applicant was seeking return of the property.

- Findings in Fact

1. That the parties had entered into a tenancy agreement for the rental of the property with a rent due to be paid at the rate of £995 per month
2. That at the time of the application there were more than three months consecutive rent arrears and rent arrears amounted to £3225.
3. By the date of the hearing rent arrears had increased to £5690 .
4. There were now considerably more than three months of consecutive rent arrears.
5. The applicant had chosen to prioritise other debts over payment of his rent and rent arrears.
6. The applicant lived alone at the property and had no children

- Reasons for Decision

It was acknowledged by all parties that there were significantly in excess of 3 months of consecutive rent arrears. Concerningly from the time of the application there were rent areas of £3225 but at the time of the hearing the rent arrears had increased to £5690. All the respondent could offer was that he would somehow pay off all the arrears by the end of the year. This was despite having agreed with the applicant's agent to pay £1000 per month in June of 2025 and then having failed to do so.

He tribunal had to consider reasonableness. Having done so that tribunal accepted was entirely reasonable to grant an order of eviction. The respondent was a single man. He was in full-time employment. He had made the choice to prioritise other debts over his rent and the applicant should not be prejudiced by that decision

- 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.

M. Thorley

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Legal Member/Chair

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Date 13<sup>th</sup> October 2025