

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/1630

Re: Property at Flat 9, 244A High Street, Kirkcaldy, KY1 1JT (“the Property”)

Parties:

Ad Astra Assets Ltd, Zenlet Unit 15, Evans Business Centre, Mitchelston Drive, Kirkcaldy, KY1 3NB (“the Applicant”)

Hannah Mia Hutcheson, Flat 9, 244A High Street, Kirkcaldy, KY1 1JT (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is, and has been, in rent arrears for a continuous period of three calendar months, it is reasonable to grant an eviction order, and that the Private Residential Tenancy between the Parties will end on 21 November 2025.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 21 October 2025, alongside the related application for civil proceedings (CV/25/1631). The Applicant was represented by Miss Wooley. The Respondent was not present or represented.
2. In this Application the Applicant seeks an eviction order. It contends that the Property is let to the Respondent under a Private Residential Tenancy Agreement, that the Respondent is, and has been, in rent arrears for a continuous period in excess of three calendar months, and that Notice to Leave based on Ground 12 of the Private Housing (Tenancies) (Scotland) Act

2016 has been given and expired. A copy of the Notice to Leave has been produced, as has an up to date rent arrears schedule.

3. At the CMD, Miss Wooley confirmed that the Respondent lives at the Property alone. It has not been adapted for her use. The Respondent was previously in employment but her current employment status is unknown. The Applicant has not spoken to the Respondent since a Property inspection in August 2024. The Applicant has attempted unsuccessfully to contact the Respondent by email, text message and telephone call to discuss both arrears and property inspections. The Respondent is not engaging. No reason for the arrears has been given. The Applicant is unaware of the Respondent accessing any local specialist facilities. There is no mortgage lending secured over the Property, but the Applicant has a floating charge over all of its assets, including the Property. The Applicant has a property portfolio of 19 properties, including the Property, which it lets privately. Six of those properties are currently empty due to a need for works. The Applicant is unable to demonstrate sufficient cash flow at present to obtain additional lending to repair those properties. It requires to recover and re-let the Property in order to address its current cashflow issues and invest into its portfolio. Miss Wooley submitted that the local authority will have an obligation to find emergency accommodation for the Respondent if an order for eviction was granted.
4. In terms of Rule 17(4) of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision; including the need to avoid unnecessary delay.
5. The Respondent has had notice of the Application and the CMD, but has chosen not to lodge written representations objecting to the Application nor to attend the CMD. In the circumstances, the Tribunal is satisfied that the Respondent does not wish to participate in the proceedings.
6. The Respondent is in significant rent arrears, and has been for well in excess of the period of three continuous calendar months required by Ground 12. She has made no attempt to address those arrears. She is ignoring attempts by the Applicant to contact her and discuss her arrears. There is nothing to suggest that there is any real likelihood that the Respondent will address her existing arrears, or indeed pay rent generally. In those circumstances, the Tribunal was satisfied that it was reasonable to grant the eviction order. It unanimously granted the order.
7. For the purposes of section 51(4) of the 2016 Act, the PRT between the parties will end on 21 November 2025.

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.

A. Upton

24/10/25

Legal Member/Chair

Date