

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 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/2094

Re: Property at 49 St Peter Street, Peterhead, AB42 1QD (“the Property”)

Parties:

Mrs Maureen Geddes, 4 Bob Simmers Place, Peterhead, AB42 3FN (“the Applicant”)

Ms Natasha Daniel, 49 St Peter Street, Peterhead, AB42 1QD (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr A Lamont (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1 of Schedule 3 of the Act. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties commencing on 12th April 2022, notice to leave and section 11 notice with evidence of service, and evidence of intention to sell the Property.
2. Service of the application and notification of a Case Management Discussion were served upon the Respondent by Sheriff Officer on 7th October 2025.
3. By email dated 22nd October 2025, the Applicant representative lodged a personal statement from the Applicant and photographs of the Property.

Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 12th November 2025. The Applicant was not in attendance and was

represented by Ms McCullough, Factoring Manager, Stewart & Watson. The Respondent was not in attendance.

5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied in respect of the Respondent. The Tribunal considered it was appropriate to proceed with the application in the absence of the Respondent.
6. Ms McCullough explained the background to the application. The Respondent had been in receipt of Universal Credit initially. Payments of rent became irregular, with arrears accruing. This appeared to coincide with the Respondent's children no longer living in the Property. The Applicant has been sympathetic and helpful to the Respondent, however, the arrears are now £6032, with no rent paid since May 2024. The Respondent has not allowed the Applicant access to the Property for two years, and the Applicant has not been able to renew her safety certification. The Applicant is concerned about the impact of this upon her landlord registration.
7. Ms Cullough said the Applicant has been contacted by neighbours and the police in respect of broken windows and rubbish at the Property. The Applicant has had to have windows boarded up at her own expense.
8. The Applicant no longer wishes to let the Property, due to the stress caused by the Respondent's failure to pay the rent and her behaviour. The Applicant's family circumstances have also impacted upon her ability to manage the Property. The Applicant intends to sell the Property.
9. Responding to questions from the Tribunal, Ms McCullough said it is believed that the Respondent lives alone, and that her children have not returned to the Property. Ms McCullough was not aware of any social or health issues affecting the Respondent.

Findings in Fact and Law

10.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 12th April 2022.
 - (ii) Notice to leave has been served upon the Respondent.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.
 - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

11. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
12. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
13. The Applicant no longer wishes to let the Property due to the stress caused by the Respondent's behaviour, including her failure to allow access and her failure to pay rent. The Tribunal noted the Applicant stated in her personal statement that she has received verbal abuse from the Respondent. The Applicant provided crime reference numbers and photographs showing damage to the Property and rubbish lying around the Property. The Tribunal considered that not granting an eviction order would cause the Applicant to suffer increased stress and financial loss. It would appear that the tenancy is unsustainable, given the failure to pay rent and the increasing rent arrears.
14. The Respondent did not see fit to attend the CMD or make any representations to assist the Tribunal in considering reasonableness. The Tribunal was unable to assess the impact of an eviction order upon the Respondent. The Tribunal took into account that there are no children living in the Property who may be affected by the granting of an eviction order.
15. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondent to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondent failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

16. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 16th December 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.

Helen Forbes

12th November 2025

Legal Member/Chair

Date