

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)**

Chamber Ref: FTS/HPC/EV/25/1111

**Re: Property at Flat 11A, Loreburn Chambers, 11 Great King street, Dumfries,
DG1 1BA (“the Property”)**

Parties:

**Mr Andrew Endredy, Windrush, Kingholm road, Dumfries, DG1 4AX (“the
Applicant”)**

**Ms Colina Kellie, Flat 11A, Loreburn Chambers, 11 Great King street, Dumfries,
DG1 1BA (“the Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Nicholas Allan (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

BACKGROUND

1. By lease dated 19th and 20th June 2020 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 22 June 2020.
3. Rent was payable at a rate of £80.00 per week.
4. The Respondent fell into arrears of rent shortly after the start of the tenancy. Indeed, since 1st August 2020, the Respondent has been continuously in arrears of rent.

5. A notice to leave dated 6th December 2024 was served upon the Respondent. At that date arrears of rent amounted to £4,490.00.
6. An application for an eviction order was presented to the Tribunal on 14th March 2025. The application sought an order for eviction on grounds that the Applicant intended to sell the Property and separately, there were arrears of rent for more than 3 consecutive months.
7. The Applicants forwarded correspondence to the Respondent in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
8. The Applicant provided the Tribunal with documents confirming solicitors had been instructed to market and sell the Property when vacant possession was obtained.
9. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

10. The Applicant was represented by Miss K Wismack Solicitor, Messrs Primrose and Gordon, Dumfries. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.
11. Miss Wismack confirmed to the Tribunal that the Applicant was seeking an order for eviction.
12. The Applicant intends to sell the Property. Documentation had been provided to the Tribunal confirming that Primrose and Gordon, Solicitors, Dumfries, had been instructed to market and sell the Property once vacant possession was obtained.

13. Separately, an eviction order was sought on the basis of rent arrears. An updated rent statement had been provided to the Tribunal. It confirmed that as of 11th October 2025, rent arrears amounted to £8,970.00. A further weekly rental payment of £80.00 had been missed since then. There have been no payments towards rent nor arrears since 8th February 2025 when the sum of £350.00 was paid. Prior to that the last payment towards rent or arrears was on 3rd August 2024, again in the sum of £350.00.
14. In relation to the personal circumstances of the Respondent, Miss Wismack advised that there has been limited engagement with the Applicant by the Respondent and in the circumstances, the information to be provided to the Tribunal was limited in that regard. On the basis of the information known to the Applicant, however,
- The Respondent is in her 30's or early 40's in terms of age.
 - She has no children.
 - It appears she does not reside in the Property continuously. The Property is vacant for long periods of time with the Respondent thereafter occupying it again.
 - It is not known whether she is in employment or not, although it is believed that the Respondent is unemployed.
 - It is not known whether the Respondent is in receipt of benefits.

REASONS FOR DECISION

15. On the basis of the information available, that being that there are arrears of rent equivalent to more than 2 years rental payments, the Tribunal considered it reasonable that an eviction order be granted.
16. Separately, the Tribunal was provided with information confirming the intention of the Applicant to sell the Property once vacant possession is obtained.
17. No information was placed before the Tribunal to challenge the information presented by the Applicant or to suggest that it was in any way not reasonable to grant an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 and 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 1st 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.

Virgil Crawford 24 October 2025

Legal Member/Chair

Date
