



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/25/1009

Re: Property at 257 Rr/1/3 Clepington Road, Dundee, DD3 7UE (“the Property”)

Parties:

Mr William Thomson, 11E Lawton Terrace, Dundee, DD3 6ES (“the Applicant”)

Mr Joseph Thomson, Tracey Dunne, 257 Rr/1/3 Clepington Road, Dundee, DD3 7UE; (“the Respondents”)

Tribunal Members: Mr Nairn Young & Ms Janine Green

Decision (in absence of the second-named Respondent)

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

- Background

This is an application for an eviction order against the Respondents, who occupy the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 10am on 27 October 2025, by teleconference. The Applicant was represented on the call by Mr Lawson of MML Law, solicitors. The first-named Respondent was represented on the call by Mr Marshall of Dundee Law Centre. The second-named Respondent was not on the call or represented.

Notice of the application and the CMD was served by advertisement placed on the Tribunal website on 9 October 2025. The Tribunal therefore considered that proper

notice had been given and that it was fair to proceed on the basis the matter was unopposed, by the second-named Respondent.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondents in terms of a private residential tenancy agreement with a start date of 1 February 2020.
2. In terms of the tenancy agreement, rent of £400 is due every four weeks, commencing the start date; although, in practice it has been charged monthly.
3. The Respondents paid no rent on 1 March 2023 and have been in arrears since that date.
4. On 23 December 2024, the Applicant's agent sent the Respondents an email conforming with the pre-action requirements prescribed by Scottish Ministers for rent arrears cases.
5. On 9 January 2025, the Applicant served the Respondents with a notice to leave, stating that he would rely on Ground 12 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
6. The Respondents have made only a few sporadic payments to the rent account, with the result that the arrears, as at the date of the CMD, stood at £10,800.
7. The second-named Respondent has left the Property.
8. The first-named Respondent relies on benefits for his income and is not able to address the arrears.

- Reasons for Decision

9. On the basis of the facts as above, the Tribunal considered that Ground 12 of Schedule 3 to the Act was satisfied. The Respondents have been in arrears for 31 consecutive months, which is a substantial period of time. There is no sign of the arrears being addressed; indeed they have continued to increase. On that basis, the Tribunal considered it was reasonable to grant an order for eviction.

- Decision

Eviction order granted.

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.

Nairn Young

Legal Member/Chair: ,

Date: 27 October 2025