



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/25/1843

Re: Property at 6 Manor Place 1/1, Broughty Ferry, DD5 2BZ (“the Property”)

Parties:

Mr Keith Johnstone, Mrs Susan Johnstone, 6 Rawes Farm Steading, Longforgan, Dundee, DD2 5BF (“the Applicants”)

Mr Craig Milne, 6 Manor Place 1/1, Broughty Ferry, DD5 2BZ (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the 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 Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicants. It called for case management discussion (‘CMD’) at 10am on 11 November 2025, by teleconference. The Applicants were represented on the call by Ms Melissa Coleman, of Struan Baptie Property Management. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case he was experiencing any technical difficulty; but there remained no contact from him.

Notice of the application and the CMD was served on the Respondent by sheriff officers on 1 October 2025. The Tribunal therefore considered that he was aware of the CMD and had chosen not to enter opposition; and that it was fair to proceed in his absence.

- Findings in Fact

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

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 7 March 2020.
2. In terms of the tenancy agreement, rent of £425 is due on the 7th day of each month. This was raised to £437.75 per month by notice from 7 March 2024.
3. The Respondent paid no rent on 7 August 2024 and has been in arrears since that date.
4. On 21 March 2025, the Applicants' agent sent the Respondent an email conforming with the pre-action requirements prescribed by Scottish Ministers for rent arrears cases.
5. On 28 March 2025, the Applicants served the Respondent with a notice to leave, stating that they 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 Respondent has made only sporadic payments to the rent account, and has made no payment since 16 January 2025, with the result that the arrears, as at the date of the CMD, stood at £4,763.50.
7. The Applicants' agent has made various attempts to contact the Respondent to get him to address the arrears, but without result.

- Reasons for Decision

8. On the basis of the facts as above, the Tribunal considered that Ground 12 of Schedule 3 to the Act was satisfied. The Respondent has been in arrears for 15 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

11 November 2025

Legal Member/Chair

Date