



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under section 51(1) of the Private Housing
(Tenancies)(Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/24/5684

**Re: Property at Apartment E, Craig Gowan House, 42 Camphill Road, Broughty
Ferry, Dundee, DD5 2JE (“the Property”)**

Parties:

**Frontera Investments Limited, per Belvoir Lettings, 26-28 High Street, Dundee,
DD1 1TA (“the Applicant”)**

**Mr Alex Jakubiak, Apartment E, Craig Gowan House, 42 Camphill Road,
Broughty Ferry, Dundee, DD5 2JE (“the Respondent”)**

Tribunal Members:

Maurice O'Carroll (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Order for Eviction should be granted**

Background

1. A Case Management Discussion (CMD) was held by telephone on 23 October 2025 at 10am. Present on the call were Amy Lewis and Ashleigh Roberts of Belvoir Lettings, the letting agents acting on behalf of the Applicant. The Respondent tenant, Mr Alex Jakubiak was also present on the call.
2. The CMD was convened in order to consider the application for eviction dated 11 December 2024. The application was made under rule 109 on the basis of non-payment of rent for a period of 3 months or more.
3. The Respondent had been notified that if he wished to make representations, he should do so by 1 October 2025. No written representations were made by the Respondent in advance of the CMD. The Tribunal therefore proceeded on the basis of the Respondent's oral representations made at the CMD.

The Case Management Discussion

4. Miss Lewis for the Applicant confirmed at the CMD that she wished to insist on obtaining an Order for Eviction. Since the application, rent arrears had increased. The Respondent had made the following payments since the statement provided to the Tribunal on 19 February 2025: 31 March £250; 2 May £1500; 2 June £1250 and 1 July £1250. Nonetheless, the balance outstanding as at the date of the CMD remained at £17,250 which was considerable.
5. The Respondent confirmed that he wished to resist the Order. He accepted that the rent arrears were as stated by Miss Lewis. He explained that he had found himself in a difficult financial situation. He is a professional footballer. He expects to be subject to a new signing which he said was imminent, although not yet confirmed. The signing would provide him with a substantial income if confirmed.
6. On that basis, he stated that he expected that he would be able to clear the rent arrears within 3-4 months, starting with a £500 payment for the current month of October and £500 in November, with arrears being paid thereafter.

Findings in fact

7. The parties entered into a rental agreement by means of a Private Residential Tenancy signed on 11 November 2021. The start of the tenancy was 14 February 2021. The agreed rent is £1250 per calendar month payable in advance.
8. There were rent arrears for a consecutive period of 3 months or more prior to the application to the Tribunal being made. Rent arrears have continued to increase since that date. Rent arrears currently amount to £17,250.
9. The Respondent was validly served with a Notice to Leave on 28 October 2024. The pre-action requirements for eviction proceedings have been complied with by the Applicant.
10. A copy of the Notice to Leave was duly served on the local authority in accordance with the terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 on 12 December 2024.

Reasons for decision

11. The Tribunal has discretion as to whether or not an Order for Eviction should be granted. It considered the Respondent's submissions as to why it should not. This required to be balanced against the interests of the applicant who wished to insist on an Order being granted.
12. In considering those, the Tribunal noted that the rent arrears were substantial. Payments made since the date of the Notice to Leave had been sporadic. Even by the date of the CMD, the Respondent stated that he was unable to pay rent in full during the months of October and November.

13. The Tribunal considered that in the absence of a clearly documented payment plan supported by a clear statement of sufficient income to make the necessary payments, it was not prepared to exercise its discretion to refuse the application for eviction. It considered that the Respondent's statement of future income and therefore the prospects of clearing the substantial rent arrears which had accrued were too uncertain to provide an evidential basis for it to do so.
14. The necessary grounds for recovery in terms of Schedule 3 to the 2016 Act having been established, the Tribunal was persuaded that an Order for eviction should be granted.

Decision

15. It therefore grants the Order for eviction sought which may not be executed any earlier than 30 days from the date of granting thereof.

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.

M O'Carroll

Legal Member/Chair

23 October 2025
Date