



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/25/1172

Re: Property at 5D Balmedie Drive, Dundee, DD4 8PG (“the Property”)

Parties:

Mr Lee McKelvie (CC INTO COMMUNICATIONS), 234 Coupar Angus Road, Muirhead, Dundee, DD2 5QN (“the Applicant”)

Mr Thomas Ballantine, 5D Balmedie Drive, Dundee, DD4 8PG (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent has been in rent arrears for three continuous calendar months, that it is reasonable to grant the eviction order, and that the Private Residential Tenancy between the parties shall terminate on 4 December 2025.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 3 November 2025. The Applicant was represented by Ms Donnelly. The Respondent was neither present nor represented.
2. In this Application, the Applicant seeks an eviction order. He contends that the Respondent has been in rent arrears for a continuous period of three calendar months. He has produced a rent schedule to vouching the rent falling due and the payments made. By email dated 3 October 2025, the Applicant lodged an updated rent schedule showing that the arrears up to and including rent falling due on 1 October 2025 was the sum of £4,593.

3. At the CMD, Ms Donnelly advised the Tribunal that the Respondent lives alone at the Property. The Property has not been adapted for his use. At the start of the tenancy, the Respondent was employed as a scaffolder, but his current employment status is unknown. To the best of the Applicant's knowledge, the Respondent does not have a disability and does not access any specialist local services. He is not known to be in receipt of any benefits. Attempts have been made to discuss the tenancy with the Respondent but he has not been communicative. Separately, the Applicant now wishes to sell the Property. He previously had two properties for let through Ms Donnelly's firm, but he has already sold one and intends to sell this one.
4. In terms of Rule 17(4) of the Rules, the Tribunal may do anything at a CMD that it may do at a Hearing, including make a Decision. When making a Decision, the Tribunal requires to have regard to the overriding objection in Rule 2 to deal with proceedings justly. That includes the need to avoid unnecessary delay.
5. The Respondent has had an opportunity to attend the CMD or to lodge written representations objecting to the Application. He has done neither. In the circumstances, the Tribunal is satisfied that the Respondent does not dispute the allegations made against him in the Application.
6. The Tribunal is satisfied that the entries in the updated rent schedule are correct. It follows that the Tribunal is satisfied that the Respondent was in rent arrears for three continuous calendar months prior to service of the Notice to Leave, and has remained in rent arrears since.
7. Separately, the Tribunal is satisfied that in all of the circumstances of this case it is reasonable to grant the eviction order. The Respondent is in substantial arrears. He has not engaged in the Tribunal proceedings, and has given no indication of any intention to settle the arrears. In any event, the Applicant no longer wishes to let the Property out. For all of those reasons, the Tribunal unanimously determined that it is reasonable to grant the eviction order.
8. For the purposes of section 51(4) of the Private Housing (Tenancies) (Scotland) Act 2016, the PRT between the parties will terminate on 4 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.

A Upton

Legal Member/Chair

03.11.2025
Date