

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) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/1634

Property : 7 Cupar Mills, Cupar, Fife KY15 5EH ("Property")

Parties:

Nawaf Al-Maharik c/o Nasim Al-Maharik, 62 Spring Gardens, Flat 10, Aberdeen AB25 1GN ("Applicant")

Rollos LLP, 11 Bell Street, St Andrews KY16 9UR ("Applicant's Representative")

Stacey Andrea Scott, 7 Cupar Mills, Cupar, Fife KY15 5EH ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 21 September 2023 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 6 March 2025 ("Notice to Leave") with covering email dated 6 March 2025; statement of rent arrears; correspondence indicating compliance with the pre-action requirements; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 7 April 2025. The Application was served on the Respondent by sheriff officer on 25 September 2025.

On 21 October 2025 the Applicant's Representative lodged an updated rent statement which indicated arrears of £5,350.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 7 November 2025 by teleconference. The Applicant was represented by Dorka Ilonka of the Applicant's Representative. The Respondent was not in attendance. Ms Ilonka told the Tribunal that neither she or her client had any recent contact with the Respondent. She said that she understood that the Respondent had been employed throughout the tenancy and that she lived in the Property alone. She said she did not know anything else about the Respondent's personal circumstances. She said that the Applicant is semi-retired and that he owns other rental properties. She said the Applicant's family rely on the rental income from the let properties. She said there is a security over the Property.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 21 September 2023.
2. The Notice to Leave was served by email on 6 March 2025.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. The Applicant has complied with the pre-action protocol prescribed by the Scottish Ministers.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. The Tribunal had seen evidence of compliance with the pre-action requirements.

Having considered all of the circumstances, and in the absence of a submission on behalf of the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.

J.Devine

Legal Member

Date : 7 November 2025