



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/25/2623

Re: Property at Denview, Enzie, AB56 5BJ (“the Property”)

Parties:

Mr Liam Dummelow, Mrs Shanna Dummelow, 177 Burnthouse Crescent, Upper Marham, Kings Lynn, PE33 9LF (“the Applicant”)

Mr Ray Jappy, Denview, Enzie, AB56 5BJ (“the Respondent”)

Tribunal Members:

Virgil Crawford (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

BACKGROUND

1. By lease dated 1st and 2nd December 2022 the Applicants let the Property to the Respondent.
2. Rent is payable at the rate of £900.00 per calendar month.
3. A notice to leave dated 13th March 2025 was served upon the Respondent. The notice to leave intimated that possession of the Property was sought by the Applicants as they intended to sell the Property.
4. The Respondent has also fallen into arrears of rent. Arrears of rent were not referred to in the notice to leave. The Respondent, however, has not paid rent since April 2025.

5. On 17th June 2025 two separate applications were presented to the Tribunal, one seeking an order for eviction (EV/25/2623) and one seeking a payment order in relation to rent arrears (CV/25/2625).
6. The eviction application was accompanied by a sale agreement confirming the intention of the Applicants to sell the Property.
7. A notice in terms of s11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the local authority.
8. As at the date of the applications to the Tribunal arrears of rent amounted to £2700.00.

THE CASE MAMANGEMENT DISCUSSION

9. The Applicants did not participate personally in the Case Management Discussion but were represented by Mr C Beck of Cluny Estate Agents, Elgin. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.

Eviction

10. Mr Beck moved the Tribunal to grant an order for eviction. The landlords wish to sell the Property. They have provided confirmation of a sale agreement entered into by them with a view to the Property being sold once vacant possession is obtained.
11. In relation to the personal circumstances of the Respondent, Mr Beck advised that the Respondent resides at the Property alone. He previously resided there with his female partner and their child. The female partner and child, however, have since vacated the premises and no longer live there.
12. During the currency of the tenancy the Respondent has been "in and out of work" and also "in and out of jail".
13. The Respondent is in his early 40's. It is not known whether he is currently employed although it is believed he is unemployed. Previously arrangements were made for the housing element of his benefits to be paid directly to the landlord. Only two payments were made, those being in August and September of 2025. These payments were significantly less than the rent due. No further payments have been received. There are, therefore, significant rent arrears also.

Payment Action

14. In relation to the payment action, an updated rent statement had been provided to the Tribunal in advance of the case management discussion. This disclosed that rent arrears now amounted to £5,350.00.
15. Mr Beck moved the Tribunal to amend the amount claimed to £5,350.00 and thereafter to make a payment order in that amount.
16. In the absence of any appearance by or on behalf of the Respondent, and in the absence of any dispute in relation to the level of rent arrears, the Tribunal allowed the amount claimed to be amended and, thereafter, granted a payment order in the sum of £5,350.00.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 26th November 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.

Virgil Crawford

20th October 2025

Legal Member/Chair

Date