

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/25/3026

Re: Property at 42/10 East Main Street, Armadale, EH48 2NS (“the Property”)

Parties:

Mr Sam Beresford, 12 Mavis Bank, Bathgate, West Lothian, EH48 4GZ (“the Applicant”)

Mr Christopher Govan, 42/10 East Main Street, Armadale, EH48 2NS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted against the respondent

Introduction

This application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Intimation of the application and of the initial Case Management Discussion (CMD) was served upon the respondent by Sheriff Officers on 20 October 2025.

The CMD took place by teleconference on 2 December 2025 at 2.00 pm. The applicant was represented by Mr Russell Beresford, who is his son. The respondent represented his own interests. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 42/10 East Mains Street, Armadale EH48 4NS. The applicant is Mr Sam Beresford who is the heritable proprietor and registered landlord. The respondent is Mr Christopher Govan who is the tenant.

The parties entered into a private residential tenancy which commenced on 15 September 2022. The named landlord on the lease is Mr Russell Beresford. The agreed rent in terms of the written lease was £550 per month.

The current eviction proceedings are based upon arrears of rent and the ground relied upon is ground 12 of Schedule 3 to the 2016 Act, namely that the respondent is in rent arrears over three consecutive months.

The application is supported by an up-to-date detailed rent statement which reflects the arrears of rent relied upon. The tribunal found this a credible and reliable document and attached weight to it. As at the date of the hearing the arrears have now increased to £6,600 as at the date of the hearing. No payments have been made in 2025 at all.

The tribunal found that the Notice to Leave upon which the eviction application proceeds is valid. It is dated 4 June 2025. 28 days' notice required to be given. The notice served states an application will not be submitted to the tribunal for an eviction before 5 July 2025. The notice was served upon the respondent by way of email on 4 June 2025. Sufficient notice was given.

The tribunal was satisfied that more than three consecutive months of rent remains unpaid by the respondent. This establishes ground 12. The tribunal proceeded to consider the issue of reasonableness.

The respondent has not opposed the application. He resides alone and is believed to be in employment. There is evidence that the local authority has been advised of the eviction proceedings with a relevant section 11 Notice having been issued by the applicants. In the event of an eviction order being granted that the local authority will make alternative accommodation available to the respondent. The rent arrears pre-action requirements have been adequately fulfilled by the applicant. It is unreasonable for the applicant to continue to make the property available to the respondent in the absence of rent being paid. This is adverse to the applicant's financial interests.

In all of the circumstances the tribunal determined that it was reasonable to grant the eviction order sought by the applicants.

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.

Richard Mill

2 December 2025

Legal Member/Chair

Date