

Housing and Property Chamber

First-tier Tribunal for Scotland



Decisions with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Refs: FTS/HPC/EV/25/1790 and FTS/HPC/CV/25/1791

Re: Property at 3 Napier Place, Glenrothes, KY16 1DS (“the Property”)

Parties:

Mrs Marion Robb, Fairways, Ivy Walk, Newton of Falkland, Fife, KY15 7NQ (“the Applicant”) and

Rollos Law LLP, 11 Bell Steet, St. Andrews, Fife, KY16 9UX (“the Applicant’s Representative”) and

Mr Connor John Iain Stevenson, 3 Napier Place, Glenrothes, KY16 1DS (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
H Barclay - Ordinary Member**

Decisions in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows:

- 1) To grant an eviction order; and**
- 2) To grant an order for payment to the Applicant, Mrs Marion Robb, by the Respondent, Mr Connor John Iain Stevenson, of the sum of £8,700.00.**

Background

- 1. These are Applications for an eviction order in terms of Rule 109 (Application for an eviction order) and for a payment order in terms of Rule 111 (Application for**

civil proceedings in relation to a private residential tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion on 5th November 2025

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 2.00pm on 5th November 2025.
3. The Applicant’s, Representative’s Ms D Ilonka, attended. The Respondent, Mr Stevenson, did not attend and there was no explanation for his absence. The Tribunal had noted that Sheriff Officers had served the Applications’ papers, as well as notification details of the CMD, on Mr Stevenson by delivering papers to Ms M Tewson, who resides with Mr Stevenson at the Property, on 25th September 2025.
4. Ms Ilonka referred to the Applications and subsequent e-mails and documents which she had sent to the Tribunal’s office, including a rent statement dated 21st October 2025 and a written submission dated 28th October 2025. Ms Ilonka stated that Mr Stevenson had previously agreed payment plans in respect of ongoing rent, and rent arrears, due but failed to adhere to them. She said that the last plan was agreed in January 2025. Mr Stevenson was to repay rent and make contributions towards rent arrears, in the aggregate sum of £975.00 per month, but did not do so. She said that Mr Stevenson’s last payment of rent, in the sum of £700.00, was made on 13th June 2025 and that no further payments towards rent and arrears have been received since. Ms Ilonka stated that she understood that Mr Stevenson was self-employed in the building trade and that Ms Tewson is his partner. She said that she is not aware of them having any children residing with them at the Property. Ms Ilonka stated that given Mrs Robb’s circumstances, following her loss of her husband in February 2025, that she is retired with limited income, she cannot sustain the ongoing financial loss which she is suffering in respect of the Property. Ms Ilonka stated that Mrs Robb’s income is principally derived from three other rental properties. She said that, at this time, she was not aware of any application having been made to the Guarantor in the parties’ PRT, Mrs M Stevenson, for payment in respect of rent arrears. Ms Ilonka asked the Tribunal to grant an eviction order and an order for Mr Stevenson’s payment to Mrs Robb of the current rent outstanding of £8,700.00.

Findings in Fact and Law and Reasons for Decisions

5. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a private residential tenancy (“PRT”) if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
6. Schedule 3 (12) (1) to the 2016 Act provides that it is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.
7. Section 71 of the 2016 Act provides as follows:

- (1) In relation to civil proceedings arising from a private residential tenancy-
- (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
- (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
- (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.
8. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order and order for payment of unpaid rent against a tenant (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.
9. Having considered all of the Applications papers and the submission of Ms Ilonka, the Tribunal finds in fact that Mrs Robb has provided the Tribunal, in her Application for an eviction order, with copies of the parties' PRT, the Notice to Leave ("NTL") served on Mr Stevenson and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice which was intimated to Fife Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (12) (1) in the 2016 Act. The Tribunal further finds in fact that when the NTL was served on Mr Stevenson, on 6th March 2025, he had been in rent arrears for three consecutive months, and that when both Applications were lodged with the Tribunal's office, in April 2025, Mr Stevenson was in rent arrears of £4,525.00. Mr Stevenson has not paid rent to Mrs Robb since June 2025 and is currently in rent arrears in the sum of £8,700.00.
10. In making its findings in fact the Tribunal relied on the documentation within the Applications and, in particular, on the oral submission and written submissions of Ms Ilonka, the terms of which were consistent with the terms of the relevant documentation.
11. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submissions from the Respondent, Mr Stevenson. The papers in respect of both Applications had been served effectively on him on 25th September 2025. He is aware of the important nature of the Applications but has not lodged any representations regarding their merits and the reasonableness of the grant of the orders sought. The Tribunal's office has not received any communications from Mr Stevenson or any representatives or advisers acting on his behalf.
12. Accordingly, the Tribunal find in law that the ground in Schedule 3 (12) (1) of the 2016 Act is met as the Respondent, Mr Stevenson, has been in rent arrears for three or more consecutive months and that it is reasonable that an eviction order be granted. The Tribunal also find in law that the Respondent is obliged to pay rent

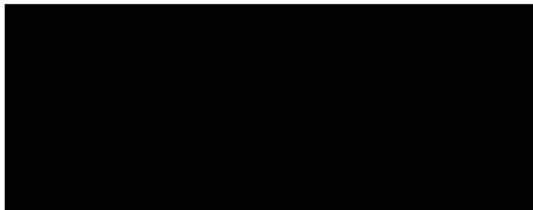
to Mrs Robb, in terms of the parties PRT, and, having not done so consistently, is in rent arrears in the sum of £8,700.00. The Tribunal therefore finds that the Applicant, Mrs Robb, is entitled to an order for the Respondent Mr Stevenson's payment to her of the sum of £8,700.00.

Decisions

13. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr Connor John Iain Stevenson, from the Property at 3 Napier Place, Glenrothes, KY16 1DS and, also, an order for payment to the Applicant, Mrs Marion Robb, by the Respondent, Mr Stevenson, of the sum of £8,700.00.

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.



5th November 2025
