



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/25/1812

Re: Property at Old Farmhouse, Stoneygroves, Liff Angus, DD2 5NG (“the Property”)

Parties:

C.D Clayhills - Henderson's Liferent Trust, 1 B Boswall Road, Edinburgh, EH5 3RJ (“the Applicant”) and

Ms Heather Thomson, Old Farmhouse, Stoneygroves, Liff Angus, DD2 5NG (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

T Cain - Ordinary Member

Decision in absence of the Respondent:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.

Background

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10am on 21st November 2025. The Applicant's Ms H Clayhills-McCarthy attended. The Respondent Ms Thomson did not attend and was not represented. The Tribunal noted that Sheriff Officers served copies of the Application papers, and details of the CMD, upon Ms Thomson by posting them through the letterbox of the Property on 15th October 2025.

3. Ms Clayhills-McCarthy referred to the Application case papers and her mother Mrs P Clayhills-Henderson's subsequent e-mails sent to the Tribunal's office. She stated that she resides in a cottage adjoining the Property. She said that Ms Thomson's former partner, Mr J Bradley, left the Property around 2 years ago. Ms Clayhills-McCarthy stated that Ms Thomson remains resident in the Property and that she continues to see and hear Ms Thomson because they reside in connected properties. Ms Clayhills-McCarthy stated that the current arrears of rent owing by Ms Thomson are in the sum of £10,307.25. She said that the level of rent outstanding is causing difficulties for the Applicant as they have reduced funds for maintenance of trust properties. Ms Clayhills-McCarthy asked the Tribunal to grant an eviction order.

Findings in Fact and Law and Reasons for Decision

4. 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.
5. 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.
6. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order against a tenant (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.
7. Having considered all of the Application papers and the submission of Ms Clayhills-McCarthy, the Tribunal finds in fact that the Applicant has provided the Tribunal, in their Application for an eviction order, with copies of the parties' PRT, the Notice to Leave ("NTL") served on Ms Thomson and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice which was intimated to Angus 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 Ms Thomson, on 25th March 2025, she had been in rent arrears for three consecutive months, and that when the Application was lodged with the Tribunal's office, in April 2025, Ms Thomson was in rent arrears of £6644.20. Ms Thomson now has rent arrears of £10,307.25.
8. In making its findings in fact the Tribunal relied on the documentation within the Application and, in particular, on the oral submission of Ms Clayhills-McCarthy, the terms of which were consistent with the terms of the relevant documentation.
9. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submissions from the Respondent, Ms Thomson. The papers in respect of the Application had been served effectively on her on 15th October 2025. She is aware of the important nature of the Application

but has not lodged any representations regarding the merits and the reasonableness of the grant of the order sought. The Tribunal's office has not received any communications from Ms Thomson or any representatives or advisers acting on her behalf.

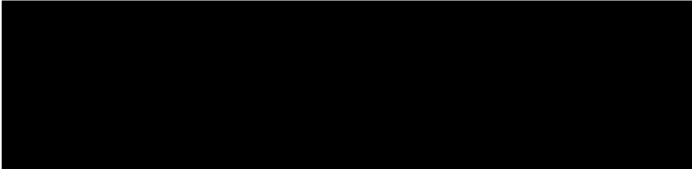
10. Accordingly, the Tribunal find in law that the ground in Schedule 3 (12) (1) of the 2016 Act is met as the Respondent, Ms Thomson, has been in rent arrears for three or more consecutive months and that it is reasonable that an eviction order be granted.

Decision

11. Therefore, the Tribunal makes an order for eviction of the Respondent, Ms Heather Thomson, from the Property at Old Farmhouse, Stoneygroves, Liff Angus, DD2 5NG.

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.



21st November 2025
