



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/25/3064

Re: Property at 26 Cloverleaf Grange, Aberdeen, AB21 9FH (“the Property”)

Parties:

Places for People Scotland Ltd, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicants”)

Mr Stephen King, 26 Cloverleaf Grange, Aberdeen, AB21 9FH (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing, that it would not be reasonable to issue an Eviction Order against the Respondent and refused the application.

Background

1. By application, dated 16 July 2025, the Applicants sought an Eviction Order under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, namely that the Respondent has been in rent arrears for three or more consecutive months.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 10 May 2019 at a monthly rent of £525, a Notice to Leave, dated 2 June 2025, advising the Respondent that the Applicants were seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 3 July 2025, a pre-action protocol letter, dated 23 April 2025, signposting the Respondent to sources of possible help and advice, and a Rent Statement showing arrears of £3,682.61 at the date of the application.

3. On 15 October 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 24 October 2025. The Respondent did not make any written representations to the Tribunal.
4. On 18 November 2025, the Applicants' solicitors submitted an updated Rent Statement showing arrears of £2,847.92 at 3 November 2025. The Statement showed that the Respondent has paid £765 in each of the last 7 months,

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 27 November 2025. The Applicants were represented by Mr Ross O'Donnell of Patten & Prentice LLP, solicitors, Greenock. The Respondent was also present.
6. Mr O'Donnell told the Tribunal that, whilst he accepted that the Respondent was making monthly payments in excess of the rent, so was reducing the arrears, his instructions were to seek an Eviction Order, with the Applicants undertaking that they would not take steps to enforce it so long as the Respondent continued to comply with a payment plan currently in place.
7. The Respondent told the Tribunal that he is in full-time employment and has just been advised that he will also receive Adult Disability Payment with effect from 15 December 2025. He explained the reason, the diagnosis and treatment of a serious health condition resulting in his being unable to work for a period and being on sick pay, for his having fallen behind with the rent, but pointed out that he had been making additional payments toward the arrears for more than a year. He lives alone in the Property, although his 16-year-old daughter occasionally stays there. He understood that the Applicants were indicating that they would not enforce an Eviction Order so long as he kept up the additional payments. He is an ex-serviceman and is seeking advice on his finances from Poppy Scotland.

Reasons for Decision

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
9. Section 51 of the 2016 Act states that the Tribunal is to 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.
10. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, for three or more consecutive

months, the tenant has been in arrears of rent and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order. In deciding whether it is reasonable to issue an Eviction Order, the Tribunal is to consider whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers.

11. The Tribunal was satisfied that the requirements of Ground 12 had been met and the only question for the Tribunal was whether it would be reasonable to issue an Eviction Order.
12. The Tribunal noted that the Respondent has made significant payments towards the arrears of rent. At one point, they had exceeded £5,000, but in the time between the application and the Case Management Discussion, they had reduced from £3,682.61 to £2,847.92 and it appeared that the Respondent is adhering to a payment plan. He is in full-time employment, and his financial position should improve when he starts receiving Adult Disability Payment. The view of the Tribunal was that he has demonstrated a commitment to reducing the arrears.
13. The Tribunal was not prepared to issue an Eviction Order on an assurance from the Applicants that they will not take steps to enforce it if the Respondent continues to comply with the payment plan. That would place the Respondent in a position of constant uncertainty as to what would happen if he missed or was late with a single payment.
14. The Tribunal was satisfied that the Respondent is committed to resolving the situation and that he has demonstrated over many months a willingness and an ability to reduce the arrears as well as meeting his monthly rent. Accordingly, having considered all the evidence before it, the Tribunal decided that it would not be reasonable to issue an Eviction Order.
15. The Tribunal's Decision was unanimous.

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.

George Clark

Legal Member/Chair

27 November 2025
Date