



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/1402**

**Re: Property at 3 Palmers Cross, Pluscarden Road, Elgin, IV30 1YF (“the Property”)**

**Parties:**

**F.A. Construction Ltd., Palmers Cross House, Pluscarden Road, Elgin, IV30 1YF (“the Applicant”)**

**Mr Krzysztof Stec, 3 Palmers Cross, Pluscarden Road, Elgin, IV30 1YF (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (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 an order of eviction should be granted.**

- **Background**

The applicant applied to the tribunal for an order of eviction based on ground 12 namely that the respondent was in more than 3 consecutive months of rent arrears. The application was dated 28 March 2025. Along with the application was submitted a copy of the tenancy agreement, notice to leave, section 11 notice and acknowledgement from the local authority.

The application was accepted for determination on 16 July 2025.

It was served personally by sheriff officers on 20 October 2025.

No written representations were received from the respondent.

- The Case Management Discussion

At the case management discussion Mr Adams solicitor attended for the applicant. There was no appearance by or for the respondent.

Mr Adams confirmed that since the last rent statement was lodged in May 2025 there had been no further payment of rent. Rent was due in May 2025 in the sum of £5025 so an additional £2850 could be added to that figure. The applicant had taken up the tenancy and not paid rent from the outset. The respondent had not engaged thereafter.

He was a single man with no dependants.

- Findings in Fact

1. Parties entered in to a tenancy agreement dated 1 May 2024 for the respondent to rent the property.
2. Rent was due to be paid at the rate of £475 per month.
3. The first payment of rent by the respondent of rent was not paid until September 2024 and only for the sum of £150.
4. As at May 2025 rent was owing in the sum of £5025 and no payment of rent had been made since March 2025.
5. There was significantly more than 3 consecutive months of rent arrears.
6. The respondent was a single man with no dependants.

- Reasons for Decision

The tribunal accepted the written evidence provided and supplemented by the oral evidence of Mr Adams.

There had only been 4 payments towards rent made since the lease commenced totalling £1150 when rent was due to be paid at the sum of £475 per month. There were arrears now of approaching £9000. There were consecutive months of rent arrears of 18 months.

It was in addition reasonable to evict.

The respondent did not appear at the teleconference hearing and had made no other representations.

- Decision

To grant an order of eviction.

## **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.**

M Thorley

10/12/2025

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Legal Member/Chair

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Date