

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 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("The Act")

Chamber Ref: FTS/HPC/EV/25/1414

Re: Property at Flat 8, 38-42 Jopps Lane, Aberdeen, AB25 1BX ("the Property")

Parties:

Mrs Sally Nicholson, 14 Ferryhill Place, Aberdeen, AB11 7SE ("the Applicant")

Mr Kevin Wilson, Flat 8, 38-42 Jopps Lane, Aberdeen, AB25 1BX ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under grounds 1 and 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service and the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003.

The Case Management Discussion

[3] The Application called for a Case Management Discussion ("CMD") by conference call at 10am on 27 November 2025. The Applicant was personally present. The

Respondent was not in attendance. The Respondent had received intimation of the Application and information about how to join the conference call by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] Having heard from the Applicant and having considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the Property to the Respondent under a Private Residential tenancy within the meaning of the Act;*
- 2) *The Respondent fell into rent arrears and the sum of £3,845.95 is now lawfully due as arrears of rent by the Respondent to the Applicant;*
- 3) *The Applicant has signposted the Respondent to sources of financial support;*
- 4) *The Applicant competently served a notice to leave under grounds 1 and 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave and remains established as at today's date. The Applicant wishes to sell the Property because she is making a loss each month as a landlord.*
- 5) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*
- 6) *The Respondent has failed to engage with the Tribunal process or to respond to any of the Applicant or her agent's correspondence.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that the grounds set out in the notice to leave were established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order.

Right of Appeal

[6] 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.

A McLaughlin

Legal Member/Chair

27 November 2025

Date