

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

Chamber Ref: FTS/HPC/EV/25/0697

Re: Property at 65 Caledonian Road, Brechin, DD9 6BG (“the Property”)

Parties:

Mr Alistair Blake, Kimberley, Aberdeen Road, Laurencekirk, AB30 1AJ (“the Applicant”)

Mr Gordon McKay, 65 Caledonian Road, Brechin, DD9 6BG (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order of Eviction should be granted, but that implementation should be delayed until 30 January 2016

- **Background**

1. The Applicant applied to the First-Tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an Order of Eviction by application dated 13 February 2025.
2. Accompanying the application was a copy of the Notice to Leave, AT6, Section 11 and payment information.
3. The Notice to Leave was dated 3 January 2025. This was delivered by the Applicant and deposited at the Respondent’s address.
4. The tenancy had commenced on 1 June 2023. No payment of rent had been made since 15 September 2024.

5. The application was accepted for determination on 23 June 2025, although it was noted that the Applicant will need to confirm how the Notice to Leave was served.
 6. Sheriff Officers served the application on 15 October 2025 by depositing.
 7. No written representations were received.
- The Case Management Discussion
 1. At the case management discussion, the Applicant attended, along with the Respondent.
 2. The Respondent acknowledged that he was in rent arrears. These arrears now stretch back to September 2024 and totalled now the sum of Five Thousand, Five Hundred and Sixty Pounds (£5,560).
 3. The Respondent intimated that he had lost his employment. He has rheumatoid arthritis. He stopped paying rent or on about 1 August 2024, when he lost his employment.
 4. He believed that some rent had been paid by way of Universal Credit from April, in the sum of Four Hundred Pounds (£400). There appeared to be nothing paid in May. There were payments in July, August, September and October. Rent was due to be paid at Four Hundred and Seventy Five Pounds (£475) per month.
 5. This was a two-bedroomed property.
 6. The Applicant lived at that address with his 22-year-old son. He was not declaring his 22-year-old son was living here.
 7. He had his 12-year-old daughter there three days a week. He has alternate residential weekend contact with four other children, who also stay with him on a Tuesday night.
 8. The Respondent acknowledged that he had received the paperwork. He was not opposed to the eviction.
 9. The property is in any event not large enough for him.
 10. There is no prospect of him repaying the rent. He acknowledged the extent of the rent that was due.
 11. The Applicant indicated that there had been attempts made to help. The Applicant had attended at the property. He had tried to message him. He had received nothing back.

12. He wanted to recover the property.

- **Findings in Fact**

1. The parties entered into a Private Residential Tenancy Agreement for the property, which commenced on 1 June 2023, with a rent of Four Hundred and Seventy Five Pounds (£475) per month.
2. The property is a two-bedroomed property.
3. There has been no payment of rent since 15 September 2024.
4. Payments of rent have been made in April, July, August, September and October 2025. These have been for less than the amount of rent.
5. Total rent is now due of Five Thousand, Five Hundred and Sixty Pounds (£5,560).
6. The Respondent has six children, of whom a 22-year-old son lives with him, and he shares care of a 12-year-old daughter and has residential contact with four other children.
7. The Respondent is not opposed to the granting of an Order of Eviction. He has applied to the Local Authority for three-bedroomed accommodation. He cannot work. He suffers from rheumatoid arthritis.

- **Reasons for Decision**

1. There was no position by the Respondent to the Eviction Order being granted.
2. This is a two-bedroomed property and it is clear that the Respondent needs a significantly larger property than this.
3. The Applicant confirmed that he had served the Notice to Leave by depositing it at the Respondent's address. He had been present with his partner. He wants recovery of the property.
4. The Respondent is obtaining rent being paid by way of Universal Credit. This is not sufficient to meet the rent amount. He is not receiving sufficient because he has a two-bedroomed property, but only declares that he is living there.
5. The Respondent is hopeful that he will get accommodation shortly. He has applied for three-bedroomed property.
6. Standing that there was no opposition to the Order being granted, the Tribunal considered the issue of reasonableness. Although the Respondent has six children, of whom one is an adult, the Respondent has not paid the

full amount of rent since September 2024. He is not in a position to do so either. Although Universal Credit is being paid, it's not paying the full amount. He is unable to do this.

7. The Tribunal took the view that the Applicant was, in these circumstances, entitled to recover his property.
8. The only issue was the date for recovery of possession of the property. Standing that the Respondent is applying for local authority housing, the Order should be delayed until the Christmas period and the Tribunal determined that the Order should not be effective until 30 January 2026.

- **Decision**

1. To grant an Order for Eviction with implementation delayed until 30 January 2026.

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.

Mark Thorley

24 November 2025

Legal Member/Chair

Date