

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/25/2738

Re: Property at 139 Manor Avenue, Aberdeen, AB16 7UT (“the Property”)

Parties:

Cito Cimo Properties Ltd, 166 Great Western Road, Aberdeen, AB10 6QE (“the Applicant”)

Miss Amanda Wood, 3 Shapinsay Court, Aberdeen, AB15 6NG (“the Respondent”)

Tribunal Members:

Maurice O'Carroll (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Eviction be granted.

Background

1. A Case Management Discussion (CMD) was held by telephone on 10 December 2025 at 2pm. Present on the call were two representatives of the Applicant, namely Alan Cowie and Mohammad Namavar. The Respondent did not attend on the call. The clerk to the Tribunal confirmed that she had telephoned the Tribunal earlier on the day (approximately 10am) and had received confirmation of the time of the CMD and the number to dial in. Further, the Respondent had been personally served papers intimating details of the CMD by Sheriff Officers at her new address on 22 October 2025.
2. Accordingly, the Tribunal was satisfied that the Respondent had been provided with adequate notice of the CMD and decided to proceed in her absence.

3. The CMD was convened in order to consider an application for eviction dated 24 June 2025. The application was made under rule 109 on the basis of Ground 12 of Annex 3 to the Act, namely non-payment of rent for three consecutive months or more.

The Case Management Discussion

4. The Respondent did not provide any written submissions prior to the CMD. Evidence was provided solely by Messrs Cowie and Namavar who confirmed the terms of the application. They also informed the Tribunal that they were aware that the Respondent had left the Property following a Right of Entry application having been exercised on 26 August 2025 in order to carry out electrical works.
5. The Respondent had not, however, provided any notice of intention to end the lease, nor had she returned keys to the Property to the Applicant.

Findings in fact

6. The parties entered into a rental agreement by means of a Private Residential Tenancy on 28 February 2019 when the tenancy commenced. The monthly rent payable was initially £850, payable in arrears. This was increased to £900 per calendar month from July 2024.
7. The Respondent has not paid any rent since September 2024. The rent outstanding as at the date of the CMD was £15,204.16. The requirements of Ground 12 of Schedule 3 to the Act have therefore been met.
8. The pre-action requirements for eviction proceedings have been complied with by the Applicant. The Respondent was validly served with a Notice to Leave on 8 May 2025. A copy of the Notice to Leave was duly served on the local authority in accordance with the terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 on 23 June 2025.
9. Despite reminders and warnings having been sent to the Respondent on 12 and 20 December 2024 and 2 and 6 January 2025, the rent arrears persisted with no explanation for non-payment having been provided by the Respondent to the Applicant. No explanation for non-payment or any reasons why an Order for Eviction should not be granted was provided to the Tribunal.

Reasons for decision

10. In the absence of any explanation for non-payment of rent, or any reason why eviction should not be ordered, the Tribunal decided to exercise its discretion to grant an Order for Eviction.

Decision

11. The Tribunal therefore grants the Order for Eviction sought which is appended to the present decision.

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 O'Carroll

10 December 2025

Legal Member/Chair

Date