

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/25/1810

Re: Property at 21 Rousay Place, Aberdeen, AB15 6HG (“the Property”)

Parties:

Mr Scott Field, Laurie & Company, 17 Victoria Street, Aberdeen (“the Applicant”)

Mr Ayotunde Adeosun, Mrs Winifred Egbeama, 21 Rousay Place, Aberdeen, AB15 6HG (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction should be granted

- **Background**
 1. The Applicant applied to the Tribunal for an order of eviction by application dated 28 April 2025. Accompanying the application was a copy of the tenancy agreement, notice to leave, confirmatory email of the notice to leave, rent statement and section 11 notice.
 2. Rent was due to be paid at the rate of £750 per month from 14 June 2024. There had been significant difficulties with the payment of rent. A payment plan was entered into on 27 January 2025 for payment at the rate of £375 per week. That had not been maintained.
 3. It appeared the difficulty for the Respondent was that they had no access to public funds.
 4. By the time the application was accepted for determination, there were arrears of £3,100.

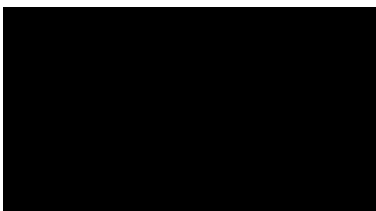
5. The application was served personally on 22 October 2025. At the case management discussion, the Respondent attended along with Ms Edwards, representative for the Applicant.
 6. The Respondent indicated that they were not working and did not have any access to public funds. Their visas restricted that. As such, they were simply not in a position to pay rent.
 7. They lived at home with two children aged five and one. The elder child was at school.
 8. They were being provided with assistance from a church.
 9. They accepted the position that the Applicant was entitled to recover the property. They appeared to have nowhere else to live. The local authority did not appear to be in a position to re-house them. They were not able to secure a further private tenancy.
 10. The arrears had amounted to £7,600. Rent was simply not being paid. The last payment made was in April 2025 of £150.
- Findings in Fact
 1. The Parties entered into a tenancy agreement for the rental of the property with effect from 14 June 2024.
 2. Rent was due to be paid at the rate of £750 per month.
 3. At the time of the application, rent outstanding was £3,100.
 4. At the time of the case management discussion, rent arrears amounted to £7,600.
 5. Neither of the Respondents were working and they did not have access to public funds.
 6. The Respondents lived in the property along with their two children, aged five and one.
- Reasons for Decision
 1. The Respondents entirely accepted that they were simply not in a position to be able to pay rent. Neither of them were working. Rent arrears were now, at the time of the case management discussion, at £7,600. Rent was due to be paid at the rate of £750 per month. The rental only commenced

in June 2024. This, accordingly, amounted to 10 months of rent. Rent arrears were simply increasing.

2. The difficulty for the Respondents is that, because of their visa situations, they were not entitled to access to public funds. They were not entitled to what appeared to be local authority housing.
 3. There were two children living in the house, aged five and one.
 4. The Tribunal had to balance the interests of the Respondents and whether it was reasonable to evict as against that of the Applicants. The difficulty for the Respondents is that they simply had no means or mechanism to pay any rent. In these circumstances, it could not be said that it was not reasonable to evict.
 5. It was suggested to the Respondents that they seek advice as regards potential future housing for them. There was no dispute in this case about the facts of the case.
 6. The Tribunal, having acknowledged that the ground was made out, inferred it reasonable that eviction was granted.
- Decision
1. 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.



Mark Thorley

Legal Member/Chair

9 December 2025

Date