

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/25/2970

Re: Property at 190 High Street, Leslie, Fife, KY6 3DB ("the Property")

Parties:

Mr Alan Stacey, 21 Brittany Court, New Church Road, Hove, BN3 4JT ("the Applicant")

Mr John McMurdo, 190 High Street, Leslie, Fife, KY6 3DB ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (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 ground 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, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement. There is also evidence of compliance with *The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020*.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”), by conference call at 2pm on 15 January 2026. The Applicant was represented by Ms Capaldi, solicitor. 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 £4,926.00 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 ground 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;*
- 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.*
- 7) *The Respondent has also failed to allow essential maintenance checks to be carried out by the Applicant.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that the ground set out in the notice to leave was 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

15 January 2026

Date