

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/2783

Re: Property at 104 Kilmarnock Road, Mauchline, KA5 5DG (“the Property”)

Parties:

Ms Sumreen Kosar, 24 Hamilton Avenue, Mauchline, KA5 6BT (“the Applicant”)

Ms Tracy Lorimer, 104 Kilmarnock Road, Mauchline, KA5 5DG (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application, dated 25 June 2025, the Applicant sought an Eviction Order under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, namely that the Respondent has been in rent arrears for three or more consecutive months.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 5 March 2023 at a monthly rent of £440, a Notice to Leave, dated 7 March 2025, advising the Respondent that the Applicant was seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 31 May 2025, a pre-action protocol letter, dated 24 February 2025, signposting the Respondent to sources of possible help and advice, and a Rent Statement showing arrears of £4,553 at the date of the application and indicating that no rent had been paid since 25 October 2024.

3. On 4 November 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 25 November 2025. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 8 January 2026. The Applicant was represented by Mr Kerr Gilius of Black Hay, solicitors, Greenock. The Respondent was not present or represented.
5. Mr Gilius told the Tribunal that no payments had been made since the date of the application. His understanding was that the Respondent is no longer living in the Property, but she has not returned the keys to the Applicants and has indicated that there are still some items in the Property that she wishes to recover. Accordingly, the Applicants were still seeking an Eviction Order.

Reasons for Decision

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the Eviction Grounds named in Schedule 3 applies.
8. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, for three or more consecutive months, the tenant has been in arrears of rent and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order. In deciding whether it is reasonable to issue an Eviction Order, the Tribunal is to consider whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers.
9. The Tribunal was satisfied that the requirements of Ground 12 had been met and the only question for the Tribunal was whether it would be reasonable to issue an Eviction Order.
10. The Tribunal noted that the Respondent has paid no rent for more than a year and that she made no written representations and chose not to attend or to be represented at the Case Management Discussion, so had provided the Tribunal with no information in relation to her personal circumstances that she wished the Tribunal to take into account in arriving at its Decision. Whilst she may have

moved out of the Property, as she has not returned the keys, the Tribunal regarded it as understandable that the Applicants wished to continue with their application and, having considered all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.

11. The Tribunal's Decision was unanimous.

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.

George Clark

Legal Member/Chair

8 January 2026
Date