



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/24/2937**

**Re: Property at 193A Clepington Road, Dundee, DD3 7TA (“the Property”)**

**Parties:**

**Mr Christopher Airlie, 17 Arkley Street,, Dundee, DD3 7NJ (“the Applicant”)**

**Ms Emma Beattie, 193A Clepington Road,, Dundee, DD3 7TA (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision made without a hearing, in terms of Rule 18 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- Background
1. This is an application for an order for possession of the Property, which is let to the Respondent by the Applicant in terms of an assured tenancy agreement. It called for hearing on 13 February 2026 at 10am, by teleconference. The Applicant was represented by Mr Lawson of MML Law, solicitors. The Respondent was represented by Mr Marshall of Dundee Law Centre. The parties indicated that they have reached agreement that the order should be granted, conditional on its enforcement being sisted subject to the terms of the minute of agreement.

- Relevant Law

2. The Housing (Scotland) Act 1988 provides for an order for possession to be suspended when granted at s.20, as follows (so far as is relevant):

20.— Extended discretion of First-tier Tribunal in possession claims.

...

(2) On the making of an order for possession of a house let on an assured tenancy or at any time before the execution of such an order, the First-tier Tribunal... may—

(a) sist or suspend execution of the order; ....

(3) On ... any such sist, suspension or postponement as is referred to in subsection (2) above, the First-tier Tribunal, unless the Tribunal considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, shall impose conditions with regard to payment by the tenant of arrears of rent (if any) and rent or payments in respect of occupation after the termination of the tenancy and may impose such other conditions as the Tribunal thinks fit....”

- Findings in Fact

The essential facts in this case are not in dispute, as follows:

3. The Applicant let the Property to the Respondent in terms of an assured tenancy, with a date of entry of 10 May 2010.
4. The initial term of the tenancy was 12 months, continuing thereafter by tacit relocation.

5. In terms of the tenancy agreement, rent of £700 was due on the 10<sup>th</sup> day of each month. This was raised to £850 per month, effective 28 September 2022: and £1,000 per month, effective 28 February 2024.
  6. On 8 April 2024, the Applicant sent an email to the Respondent in accordance with the requirements of the pre-action protocol for rent arrears cases.
  7. On 22 April 2024, the Applicant served a notice in form AT6 on the Respondent, by sheriff officers, indicating an intention to rely grounds 11 and 12 of schedule 5 to the Housing (Scotland) Act 1988 ('the Act') in any proceedings to follow.
  8. On 22 April 2024, the Respondent was in arrears of rent of £5,900.
  9. These proceedings were raised on 27 June 2024, at which time the Respondent was in arrears of rent of £5,700.
- Reasons for Decision
10. Grounds 11 and 12 are established on the facts and it is reasonable for an order for possession to be granted. The parties are in agreement on these points.
  11. Parties are agreed that the arrears should be paid at the rate of £300 per month (being in addition to the monthly rental charge of £1,000). The order for possession should be suspended until 17 September 2027, subject to payment being maintained on these terms. Should the Respondent default on any payment for a period of longer than three months, the suspension will cease automatically and the order for possession will become enforceable immediately.

- Decision

**Order for possession granted, and sisted, subject to the terms agreed.**

### **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.



**Nairn Young**

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**Legal Member/Chair**

**13<sup>th</sup> February 2026**

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**Date**