



**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/25/0009**

**Re: Property at 1/L 24 Park Avenue, Stobswell, Dundee, DD4 6LU ("the Property")**

**Parties:**

**Mr George Kwek, Heatherbank, Auchmuirbridge, Leslie, Glenrothes, KY6 3JD ("the Applicant")**

**Mr Shaun Derek Robert Clark, 1/L 24 Park Avenue, Stobswell, Dundee, DD4 6LU ("the Respondent")**

**Tribunal Members:**

**John McHugh, Legal Member  
Elizabeth Williams, Ordinary Member.**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order granting possession of the Property should be made in favour of the Applicant.**

**Background**

The Applicant is the Landlord and the Respondent is the Tenant of the Property under a private residential tenancy agreement dated 14 September 2020. The Applicant has raised an application for eviction of the Respondent on the grounds of three consecutive months' non-payment of rent.

**The Case Management Discussion**

A Case Management Discussion (“CMD”) took place at George House, Edinburgh on 28 January 2026. The Applicant was represented by his solicitor, Ian Sargison of Thorntons. The Respondent did not attend. The Tribunal was satisfied that notice of the CMD had been given to the Respondent so elected to proceed in his absence. Mr Sargison reported that the Property was a one bed flat which the Respondent occupied alone. He was believed to have moved out although that was not certain. There had been no contact from the Respondent regarding the current application with either the Applicant or the Tribunal. Rent has not been paid since 2024 and rent arrears now stand at £5506. In the circumstances, the Applicant submitted that it would be reasonable to grant an order for possession of the Property.

### Findings in Fact

1. The Applicant is the Landlord and the Respondent is the Tenant under a private residential tenancy agreement of the Property dated 14 September 2020.
2. Rent was payable by the Respondent to the Applicant at the rate of £330/month.
3. The Respondent failed to pay the rent which fell due for the months of July to October 2024.
4. Rent has been unpaid for three consecutive months.
5. No rent has been paid since the end of 2024. Rent arrears now amount to £5506.
6. The Respondent served a Notice to Leave upon the Applicant dated 13 November 2024.
7. It is reasonable to grant an order for possession of the Property.

### Reasons for Decision

The Respondent was in three months' consecutive rent arrears by the end of October 2024. The situation has worsened considerably. It seems doubtful that the Respondent remains in occupation. He has taken no part in these proceedings and so the Tribunal has no information regarding any reason for non payment or any reason why it would not be reasonable to grant an order for possession of the Property in favour of the Applicant.

### Decision

An Order for possession of the Property will be made in favour of the Applicant.

### **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.**

# **John McHugh**

**Legal Member/Chair**

**Date: 28 January 2026**