



**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/25/3400**

**Re: Property at Flat One, Buchanness House, Buchanness Drive, Boddam, Peterhead, AB42 3AT (“the Property”)**

**Parties:**

**Kerin Property Ltd, Drummond Cottage, Cummington, Burghead, Moray, IV30 5XY (“the Applicant”)**

**Mr Allan Christopher Coull, Flat One, Buchanness House, Buchanness Drive, Boddam, Peterhead, AB42 3AT (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**[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 Act 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.

**The Hearing**

[3] The Application called for a Case Management Discussion by conference call at 2pm on 11 February 2026. The Applicant was represented by their letting agent, Ms Wilson. The Respondent was personally present. The Respondent accepted that he had accrued rent arrears in the sum of £2,749.98. He explained that he himself was minded to leave the Property as he did not like the area. The Property is in a small village to the south of Peterhead and the Respondent explained that he wishes to move to the other side of Peterhead to be nearer to his studies in Fraserburgh. The Respondent had taken advice from Aberdeenshire Council and would be supported by them should an Eviction Order be granted. The Respondent lives alone and raised no issues regarding his health or personal circumstances.

[4] Having heard from the Applicant and 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 by virtue of a Private Residential tenancy within the meaning of the Act.*
- 2) *The Respondent fell into rent arrears and the sum of £2749.98 is due as rent arrears but remains unpaid. The Respondent cannot afford the rent going forward.*
- 3) *The Applicant has made efforts to negotiate a payment plan and 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.*
- 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 wishes to vacate the Property and leave the area.*

### **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

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.



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Legal Member/Chair

11 February 2026

Date