



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/3590

Re: Property at 86 Earn Crescent, Dundee, DD2 4BQ (“the Property”)

Parties:

Vision Realty Limited, Stewart & Co Limited, Castlecroft Business Centre, Tom Johnston Road, Dundee, DD4 8XD (“the Applicant”)

Mr Kevin Reilly, Ms Megan MacDonald, 86 Earn Crescent, Dundee, DD2 4BQ; Blairhall House, Auchterhouse, Dundee, DD3 0QY (“the Respondents”)

Tribunal Members:

Richard Mill (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the First Respondent (Mr Kevin Reilly) for payment to the Applicant the sum of Five Thousand Two Hundred Pounds (£5,200)

Introduction

1. These are linked applications between the same parties. The first application seeks an eviction order and the second application seeks a payment order relating to arrears of rent. The applications and intimation of the Case Management Discussions (CMDs) were served by Sheriff Officers on both respondents on 6 January 2026.
2. The CMD took place by teleconference on 17 February 2026 at 10.00 am. The applicant was represented by Mr Ritchie McNeil of MML Law. There was no appearance by or on behalf of the first respondent. Miss MacDonald, the second respondent, joined and represented her own interests.

Findings and Reasons

3. The property is 86 Earn Crescent, Dundee DD2 4BQ. The registered landlord and heritable proprietor is Vision Reality Ltd. The respondents are Mr Kevin Reilly and Ms Megan MacDonald who are the named tenants. A private residential tenancy was entered into between the parties which commenced on 25 January 2022. The rent stipulated was £600 per month. The second respondent left the property on 28 December 2024. Though no new lease was entered into the applicant was fully aware and has discharged the second respondent from any obligations thereafter.
4. When the applications were submitted rent arrears were £5,200 which are evidenced by an unchallenged credible and reliable detailed rent statement which the tribunal attached significant weight to. The applicant is entitled to recover arrears of rent due under and in terms of the written lease. The order was sought only against the first respondent only. There is no opposition by him and no time to pay direction application has been made.
5. The eviction is based upon the arrears of rent and the ground relied upon is ground 12 of schedule 3 to the 2016 Act. The Tribunal found that the notice to leave upon is valid. It is dated 16 July 2025. This states that an application will not be submitted to the Tribunal for an eviction before 18 August 2025. There is evidence that the notice to leave was delivered on 17 July 2025. The required 28 day statutory notice was given.
6. The Tribunal was satisfied that more than three consecutive months of rent was outstanding at the time that the notice to leave was served and also remains unpaid by the respondents. This establishes ground 12. The Tribunal proceeded to consider the issue of reasonableness.
7. The second respondent does not live in the property and has no opposition to the eviction. The first respondent continues to live in the property but does not pay rent. He has not opposed the eviction application. He has not engaged in communications with the applicant or their agents. He has no known dependents.
8. The applicant is adversely affected financially by the absence of rent being paid. The rent arrears as at today's date are £9,100. It is unreasonable to require the applicant to continue to provide accommodation in these circumstances. The rent arrears pre-action requirements have been adequately fulfilled. The local authority has been advised of the eviction proceedings with a section 11 Homelessness notice having been issued. The local authority has an obligation to make alternative accommodation available to the first respondent.
9. In all of the circumstances, the tribunal determined it was reasonable to grant the 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.

Richard Mill

Richard Mill

17 February 2026

Legal Member/Chair

Date