



**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/25/3534

Re: Property at 6 Reid Place, Glenrothes, Fife, KY6 2AY (“the Property”)

Parties:

Emma Pitblado, 126 Earlbank Avenue, Glasgow, G14 9EA (“the Applicant”)

Fife Letting Service, 119 Victoria Road, Kirkcaldy, Fife, KY1 1DS (“the Applicant’s Agents”)

Colette Szparman, 6 Reid Place, Glenrothes, Fife, KY6 2AY (“the Respondent”)

Tribunal Members:

**Martin McAllister (Legal Member) and Frances Wood (Ordinary Member)
 (“the tribunal”)**

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be granted and that an eviction order be granted.

Background

1. On 18 August 2025, the Applicant’s agents submitted an application to the First-tier Tribunal for Scotland seeking an order of eviction.
2. On 25 August 2025, the application was accepted for determination by the Tribunal.
3. A case management discussion was held by audio conference on 13 January 2026.

The case management discussion

4. Mrs Angela King of Fife Letting Service represented the Applicant.
5. The Respondent was not present and the tribunal noted that the arrangements for the case management discussion had been intimated to her by Sheriff Officer on 17 November 2025.
6. The tribunal determined that, in the circumstances, it was appropriate to proceed with the case management discussion in the absence of the Respondent.
7. The Legal Member explained the purpose of a case management discussion. Mrs King invited the tribunal to determine the matter without a Hearing and to issue an eviction order under Rule 101 of the Tribunal Rules on the grounds that the conditions set out in Ground 12, Part 3 of Schedule 3 of the 2016 Act have been met.
8. Mrs King said that there was no other evidence to put before the Tribunal and that, in the circumstances of the Respondent's failure to attend the case management discussion, it would be reasonable to determine the application at the case management discussion.

9. Findings in Fact

- (i) The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property.
- (ii) The tenancy commenced on 1 February 2023.
- (iii) The monthly rent due under the private residential tenancy was initially £575 and was subsequently increased to £640.
- (iv) The rent arrears due as at the time of submission of the application were £1280.
- (v) Prior to submission of the application, the rent had been in arrears since 1 September 2024
- (vi) The rent arrears due at 13 January 2026 were £1890.

10. Finding in Fact and Law

- (i) The Respondent is in rent arrears for three or more consecutive months as at the date of the case management discussion.
- (ii) It is reasonable to grant the order of eviction.

11. Documents before Tribunal

- (i) Private residential tenancy agreement.
- (ii) Copy Notice to Leave dated 14 July 2025.
- (iii) Copy Section 11 intimation to local authority.

- (iv) Letters from Applicant's agents to Respondent in which she is advised of agencies which might assist tenants requiring support or advice with regard to difficulties in paying rent.
- (v) Rent statements.

12. The Law

Section 51 of the 2016 Act:

First-tier Tribunal's power to issue an eviction order

(1) The First-tier 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.

(2) The provisions of schedule 3 stating the circumstances in which the Tribunal may find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.

(3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.

(4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order.

Ground 12, Part 3 of Schedule 3 of the 2016 Act

Rent arrears

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2) Repealed

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

*(a) for three or more consecutive months the tenant has been in arrears of rent, and
(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.*

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

- (a) 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
- (b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

(5) For the purposes of this paragraph—

(a) references to a relevant benefit are to—

(i) a rent allowance or rent rebate under the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971),

(ii) a payment on account awarded under regulation 91 of those Regulations,

(iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,

(iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,

(b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.

(6) Regulations under sub-paragraph (4)(b) may make provision about—

(a) information which should be provided by a landlord to a tenant (including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy),

(b) steps which should be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,

(c) such other matters as the Scottish Ministers consider appropriate.

Applicant's position

13. Mrs King gave considerable detail on the attempts of her company to engage the Respondent so that she would deal with the arrears of rent. She said that the Respondent had advised her that the issues with payment of rent had started when her mother had died and that she had been grieving.

14. Mrs King referred the tribunal to documentation which had been submitted and which evidenced that the Applicant's agents had written to the Respondent advising her of agencies which she could approach for assistance with the circumstances in which she found herself. The tribunal noted the contents of the letters.

15. Mrs King referred the tribunal to the rent statements which had been submitted and which showed that the rent arrears had started in September 2024 and that, since then, the Respondent had been in arrears. She said that the current level of rent arrears was £1890.

16. Mrs King said that the Respondent had given various undertakings that she would pay the arrears, including that her stepfather would clear them. The arrears had not been cleared although rent had been paid until January 2026.

Determination of whether Ground 12 had been met

17. The tribunal was satisfied that the Respondent had been in arrears of rent for three consecutive months and that the current level of arrears was well in excess of the monthly rent of £640.

18. The tribunal determined that Ground 12 had been met and that it required to consider if it was reasonable to grant the order of eviction.

Reasonableness

19. Mrs King said that the Applicant has two buy to let properties and that she is suffering financially as a consequence of the rent arrears. She said that the Applicant works part time and has approached her employer to explore the possibility of getting additional work because she has not been paid all the rent for the Property.

20. Mrs King said that the Respondent works part time and that, as far as she was aware, some of her housing costs would be met from state benefits.

21. Mrs King said that the Respondent resides in the Property with her teenage son who may still be in full time education. She said that the Respondent had never advised her that non payment of rent was as a consequence of any issue with payment of benefits.

22. Mrs King said that said that, as far as she was aware there were no health issues for anyone residing in the Property.

23. Mrs King said that her company had made efforts to get the Respondent to engage in relation to the arrears of rent but that she had not responded. She said that the Respondent had failed to engage with them in relation to other aspects of the tenancy, including access for inspections and safety checks.

24. Mrs King submitted that it would be reasonable to evict the Respondent to allow the Applicant to re-let it so that she could receive income from the Property.

Reasons for Decision

25. The tribunal saw no reason for determination of the application to be continued to a Hearing. There was clear evidence that the rent arrears had extended for more than three consecutive months.
26. The tribunal was satisfied that the Notice to Leave was in appropriate terms and had been served on the Respondent. The tribunal was satisfied that the appropriate notice had been served on the local authority under the Homelessness etc (Scotland) Act 2003 and that the Applicant had followed the requirements of the Rent- Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
27. The tribunal required to consider whether or not the granting of an order of eviction was reasonable. It is a matter of judicial discretion and, in considering reasonableness, a balancing exercise requires to be undertaken.
28. The Respondent had not engaged with the Tribunal process and nothing was therefore known about her particular circumstances, other than what had been disclosed by Mrs King. It was not reasonable for the Applicant to continue to sustain the arrears of rent and she should be able to recover the Property.

Decision

29. The tribunal determined that the application be granted and that an eviction order be made.

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.

**Martin J. McAllister
Legal Member**

Martin McAllister

Date: 13 January 2026

