



**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/25/2356**

**Re: Property at 10 Craig Park, Aberdeen, AB12 3BD (“the Property”)**

**Parties:**

**Mr Malcolm McDonnell, 10 Riverside Terrace, Aberdeen, AB10 7JD (“the Applicant”)**

**Mr Robert Jardine, 10 Craig Park, Aberdeen, AB12 3BD (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Helen Barclay (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.**

**Background**

1. An application was received by the Housing and Property Chamber dated 30<sup>th</sup> May 2025. The application was submitted under Rule 65 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground s 11 and 12 of the Housing (Scotland)(Act) 1988 (“the Act”).
2. On 20<sup>th</sup> November 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 19<sup>th</sup> January 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 11<sup>th</sup> December 2025.
3. On 21<sup>st</sup> November 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 21<sup>st</sup> November 2025.

4. On 19<sup>th</sup> January 2026, an email was received from the Applicant's representative with a rent statement. This showed payments from 1<sup>st</sup> June 2023 to 1<sup>st</sup> January 2026. It detailed the arrears as being £10200 with no payments being made since 15<sup>th</sup> August 2024.

#### The Case Management Discussion

5. A CMD was held on 19<sup>th</sup> January 2026 at 2pm by teleconferencing. The Applicant not present but was represented by Mr James Sloan, Debt Recovery Administrator, DJ Alexander. Ms Hannah Bernard, also from DJ Alexander, was present as an observer only. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
6. Mr Sloan informed the Tribunal that the Respondent last paid a £600 payment 15<sup>th</sup> August 2024. An attempt for direct payments from the DWP has not been made as the Respondent's date of birth is not on file. The arrears are £10200. There has been no rent received since August 2024.
7. Mr Sloan said that he was not aware why the rent had changed from £650 to £600. This was done when the previous letting agency had managed the Property. It may have been during Covid times.
8. There has been no contact from the Respondent since March 2025 when the Respondent said that he would not be moving until such time as he had alternative accommodation. The property maintenance team have been to the Property. They have found that there are still signs that the Respondent is living there. Mr Sloan said that there have been many attempts to contact the Respondent. His office's procedure is that 5 days after the rent is late a text message is sent to the tenant. Then 2 days after that an email is sent. A phone call is made three days later then a letter. A further email is sent 21 days after the rent is late. In addition to that Mr Sloan said that the Property has been visited. Mr Sloan is satisfied that the Respondent is still living in the Property.
9. Mr Sloan said that he was not aware of the Respondent having any vulnerabilities or disabilities. He is not aware of any dependents living in the Property with the Respondent.
10. In terms of impact of the non payment of the rent on the Applicant, Mr Sloan said that the Applicant is a portfolio landlord with three other properties. The other properties are subsidising this property in terms of insurance and general landlord costs. This has meant that the other three properties have not been able to be maintained to the level that the Applicant wishes. Mr Sloan also noted that to let the arrears accrue further would mean that it was too high an amount for the Respondent to address in terms of repayment.

11. The Tribunal was satisfied that there were no grounds of reasonableness to prevent an order for eviction being granted.

### Findings and reason for decision

12. The parties entered into an Assured Tenancy on 1<sup>st</sup> October 2016 for a 6 months period and continued on a month to month basis thereafter. The rent payments were initially £650 but are now £600. These payments are due on the first day of each month. The reduction in rent occurred prior to DJ Alexander taking over the letting of the Property.

13. The Respondent has persistently failed to pay his rent charge of £600 per month. The rent payments are due to be paid on first day of each month. There have been no payments to the rent account since 15<sup>th</sup> August 2024.

14. Numerous attempts have been made to contact the Respondent by the letting agent. They have failed as the Respondent has not been in contact since March 2025.

15. There are no known outstanding Universal Credit issues.

16. The Respondent does not have any known disabilities or vulnerabilities. It is not believed that he has any dependents living with him in the Property.

17. The arrears outstanding are £10200. There have been no payments of rent since August 2024.

18. The Tribunal was satisfied that there were no issues of reasonableness preventing an order for eviction being granted.

### Decision

19. The Tribunal found that grounds 11 and 12 have been established and the granted an order in favour of the Applicant. The Applicant is entitled to an Order of recovery of possession.

### **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.**

Gabrielle Miller

19<sup>th</sup> January 2026

Legal Member/Chair

Date