



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/25/2982

Re: Property at 2/1 269 High Street, Arbroath, DD11 1EE (“the Property”)

Parties:

Mr Bienvenido Pizarro Vazquez, 21 Cairnpark Street, Dollar, FK14 7DN (“the Applicant”)

Mr Joe Boyd, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Richard Mill (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”) granted an order against the Respondent for payment of the to the Applicant t sum of Four Thousand Eight Hundred Pounds (£4,800)

Introduction

1. These are linked applications between the same parties. The first application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The second application seeks a payment order relating to arrears of rent and is under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. Service by advertisement taken place. There has been lawful service upon the respondent. The CMD took place by teleconference on 30 January 2026 at 2.00 pm. The applicant was represented by Mr Sam Morton of Lindsays LLP. There was no appearance by or on behalf of the respondent. No representations had been received from him.

Findings and Reasons

3. The property is 2/1, 269 High Street, Arbroath DD11 1EE. The applicant is Mr Bienvenido Pizarro Vazquez who is the heritable proprietor and registered landlord. The respondent is Mr Joe Boyd who is the tenant. He entered into a tenancy agreement with the former owner which commenced on 12 January 2018. The written agreement purports to be a short assured tenancy. Such tenancies could not be created from 1 December 2017. It is a private residential tenancy under the 2016 Act.
4. The respondent has fallen into significant arrears of rent throughout the subsistence of the duration of the lease. At the time of the applications being presented to the Tribunal 12 months' rent was outstanding, totalling £4,800. During the time that the applications have been pending, the rent arrears have risen. As at today's date the rent arrears are around £8,000. No application is made to increase the amount to be recovered beyond the £4,800 at the time of application. The applicant is entitled to recover arrears of rent due under and in terms of the written lease between the parties. The Tribunal therefore granted a payment order against the respondent in the sum sought of £4,800. There is no opposition by the respondent and no time to pay direction application has been made by the respondent.
5. The eviction proceedings are based upon the arrears of rent and the ground relied upon is ground 12 of schedule 3 to the 2016 Act, namely that the respondent is in rent arrears over three consecutive months.
6. The Tribunal found that the Notice to Leave upon which the eviction application proceeds is valid. It is dated 2 June 2025. This states that an application will not be submitted to the Tribunal for an eviction before 9 July 2025. The Notice is compliant with the requirements set out in Section 62 of the Act. It is also noted that the Notice was served by Sheriff Officers on 5 June 2025. Sufficient statutory notice was given. Ground 12 is established based on the rent arrears outstanding. The Tribunal proceeded to consider the issue of reasonableness.
7. The respondent has not opposed the eviction. Based upon Sheriff Officer enquires he may have abandoned the property but has not returned the keys. He has no known disabilities or vulnerabilities. He has no known dependents.
8. The applicant is adversely affected financially by the absence of rent being paid. The rent arrears are significant. It is unreasonable to require the applicant to continue to provide accommodation to either respondent in the absence of rent being paid. The rent arrears pre-action requirements have been adequately fulfilled by the applicant
9. There is evidence that the local authority has been advised of the eviction proceedings with a relevant section 11 Notice having been issued by the applicant. In the event of an eviction order being granted the local authority has an obligation to make alternative accommodation available to the respondent.

10. In all the circumstances, the Tribunal determined it was reasonable to grant the eviction order sought by 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.

Richard Mill

30 January 2026

Legal Member/Chair

Date