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/25/2873

Re: Property at 49 Fairview Drive, Danestone, Aberdeen, AB22 8ZL ("the Property")

Parties:

Mr Bradley Reid, 27 Cameron Drive, Bridge Of Don, Aberdeen, AB23 8QA ("the Applicant")

Mr Robert Green, 49 Fairview Drive, Danestone, Aberdeen, AB22 8ZL ("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") determined that an order for eviction be granted against the respondent

Introduction

This application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Intimation of the application and of the initial Case Management Discussion (CMD) were served upon the respondent by Sheriff Officers on 9 December 2025.

The CMD took place by teleconference on 30 January 2025 at 10.00 am. The applicant was represented by Mr Sloane of DJ Alexander Lettings Ltd. The respondent represented his own interests. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 49 Fairview Drive, Danestone, Aberdeen AB22 8ZL. The applicant is Mr Bradley Reid who is the heritable proprietor and registered landlord. The respondent is Mr Robert Green who is the tenant. The parties entered into a private residential tenancy which commenced on 5 April 2024.

The current eviction proceedings are based upon 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.

The applications are supported by an up-to-date detailed rent statement which reflects the arrears of rent relied upon. The tribunal found this a credible and reliable document and attached weight to it. As at the date that the Notice to Leave was served, £3,030.02 was outstanding. Rent arrears have now risen to £8,030.10 as at the date of the hearing.

The tribunal found that the Notice to Leave upon which the eviction application proceeds is valid. It is dated 9 May 2025. 6 months' notice required to be given. In terms of Section 62 of the Act 48 hours is to be added on to allow for service and an additional period of one further day. The notice served states an application will not be submitted to the tribunal for an eviction before 9 June 2025. There is evidence that the Notice to Leave was delivered to the respondent by email on 9 May 2025 and sufficient statutory notice was given.

Ground 12 has been established. The tribunal proceeded to consider the issue of reasonableness.

It is unreasonable for the applicant to continue to make the property available to the respondent in the absence of rent being paid. This is financially prejudicial to the applicant. The rent arrears pre-action requirements have been complied with.

The respondent has not opposed the application. He has not communicated regarding the rent arrears. He is known to reside alone and is employed. He has no known disabilities or other vulnerabilities.

Aberdeen City Council has been served with a section 11 Homelessness Notice. In the event of an eviction order being granted that the local authority has a statutory duty to make alternative accommodation available to the respondent.

In all the circumstances the tribunal determined that 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

30 January 2026

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Legal Member/Chair   **Date**