



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/25/3031

Re: Property at 12 Pladda Avenue, Irvine, KA11 1DR (“the Property”)

Parties:

Mr Ka Ming Leung, 63 Beecheno Road, Norwich, NR5 8TP (“the Applicant”)

Ms Donna Todd, 12 Pladda Avenue, Irvine, KA11 1DR (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Frances Wood (Ordinary Member)

Decision

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

Introduction

These are linked applications. The first application seeks an eviction order, and the second application seeks a payment order for arrears of rent. The applications and intimation of the Case Management Discussions (CMDs) were served by Sheriff Officers on 9 January 2026

The CMD took place by teleconference on 18 February at 10am. The applicant joined the hearing and represented his own interests. An interpreter was available to assist him. The respondent was represented by Mr Alister Meek of CHAP who submitted in writing by email dated 5 February 2026 that the respondent had no opposition to either application.

Findings and Reasons

The property is 12 Pladda Avenue, Irvine KA11 1DR. The applicant is Mr Ka Ming Leung who is the heritable proprietor and registered landlord. The respondent is Ms

Donna Todd who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 10 November 2020. The rent was stipulated at £500 per month.

When the application was submitted rent arrears were around £6,000. Due to ongoing non-payment of rent they have now risen to £7,805.49, evidenced by an unchallenged credible and reliable detailed rent statement. A timeous amendment application was made to increase the sum now outstanding to be recovered. The applicant is entitled to recover arrears of rent. There is no opposition by the respondent and no time to pay direction application has been made.

The applicant relies upon eviction ground 4 of schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to live in the let property. The notice period was one of 84 days. The notice to leave is dated 9 April 2025 and stipulates that the earliest an application be submitted to the tribunal would be 7 July 2025. The notice to leave was served by recorded delivery on 9 April 2025 and signed for on 11 April 2025. Sufficient statutory notice was given.

The applicant is no longer in a financial position to maintain the property to let out as a commercial landlord. He seeks to resume occupation of the property as his principal residence. The tribunal was satisfied that it is the applicant's genuine intention to live in the let property. The tribunal considered the issue of reasonableness on the making of an eviction order. Rent arrears are significant. The respondent has no opposition to an eviction order being granted. She has accepted an offer of alternative social housing. A section 11 Homelessness notice has been issued to the local authority.

Weighing up the respective circumstances of the parties, the tribunal concluded 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

Legal Member/Chair

Date: 18 February 2026