



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/25/1233

Re: Property at 32 2/1 (top left) Bank St, Kirriemuir, DD8 4BG (“the Property”)

Parties:

The Let Syndicate Ltd, Westby, 64 West High Street, Forfar, DD8 1BJ (“the Applicant”)

Charlize McDonald, 32 2/1 (top left) Bank St, Kirriemuir, DD8 4BG (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the Property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 7 January 2026 informing both parties that a CMD had been assigned for 19 February 2026 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondent was invited to make written representations by 28 January 2026. No representations were received by the Tribunal.

The case management discussion – 19 February 2026

4. The CMD took place by conference call. The Applicant was represented by Mr Peter Serlo of Turcan Connell. The Respondent joined the conference call and represented herself. The Tribunal explained the purpose of the CMD.
5. The Respondent did not oppose the application for an eviction order. She explained that she moved out of the Property in mid-January 2026 and left the keys to the Property in the brown bin and advised the landlord. She was not aware that the landlord's interest in the Property had been sold in September 2025 but was thereafter advised by the former landlord in November 2025. The Respondent accepts that she did not pay rent under explanation that she was withholding rent because of repairing issues in the Property. She withheld the sum of £2,465 and advised that this sum was held in a separate bank account and has not been paid over.
6. The Applicant's representative explained that the Property was sold to The Let Syndicate Ltd in September 2025. He moved to amend the Applicant's details in the application to The Let Syndicate Ltd. He advised that the Respondent is in arrears of rent equivalent to 17 months' rent, which amounts to £5,950. The last payment of rent made by the Respondent was on 20 September 2024. Although it was accepted that the Respondent is no longer occupying the Property, the application was still insisted upon so that the tenancy can be formally brought to an end. The Applicant relied on ground 12, namely that the Respondent has been in arrears of rent for more than 3 consecutive months.
7. The Tribunal adjourned the CMD briefly to allow the members to consider the information provided. When the CMD was reconvened, the Tribunal advised the parties that it found that the eviction ground is established and that it is reasonable to grant an order for eviction against the Respondent.

Findings in Fact

8. The Applicant is the heritable proprietor of the Property at 32 2/1 (top left) Bank St, Kirriemuir, DD8 4BG.
9. The Applicant purchased the landlord's interest in the Property in September 2025.

10. The Respondent is the tenant at the Property.
11. The Respondent entered into a private residential tenancy which commenced 11 March 2024.
12. The former landlord personally served Notice to Leave on the Respondent on 19 February 2025 and sent a copy by email to the Respondent.
13. The Respondent has been in rent arrears for more than 3 consecutive months.

Reason for Decision

14. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
15. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. Given that the landlord' interest in the Property was purchased in September 2025, the Tribunal allowed the amendment of the application. The Applicant relied upon ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. Although no up to date rent statement was lodged, the statement to February 2025 discloses that the Respondent has consistently been in arrears of rent since October 2024. The last payment of rent made by the Respondent was on 20 September 2024 and the Respondent did not dispute that. The Respondent gave a specific figure which was being withheld, namely, £2,465. No information was before the Tribunal about repairing issues and no application was made to the Tribunal in relation to repairing issues. The rent arrears now amount to £5,950. The Respondent had already moved out of the Property in January 2026. The Tribunal was satisfied that the ground for eviction was established. In light of the information provided by the parties, the Tribunal found that it was reasonable to grant the order for eviction.

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.

Nicola Irvine

Legal Member/Chair

Date 19th February 2026