



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/3969

Property at Room 5, 2F1, 13 Gilmore Place, Edinburgh, EH3 9NE (“the Property”)

Parties:

Mr Keith Forsyth, 17 Clayknowes Drive, Musselburgh, EH21 6UW (“the Applicant”)

Mr Alex Thomas, Room 5, 2F1, 13 Gilmore Place, Edinburgh, EH3 9NE (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant seeks an eviction order in terms of Section 51 and Grounds 14 and 12 of schedule 3 of the 2016 Act. A tenancy agreement, Notice to leave, rent statement, statements from other tenants in relation to antisocial behaviour and a section 11 notice were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 20 February 2026 at 10am and that they were required to participate.
3. The CMD took place on 20 February 2026. The Applicant participated. The Respondent did not participate and was not represented. An application for a

payment order in relation to unpaid rent under Chamber reference CV/25/3970 was also discussed.

Summary of Discussion at CMD

4. Mr Forsyth told the Tribunal that the Respondent is still living at the property. The antisocial behaviour has been ongoing since last summer and recently escalated. On 17 November 2025, he threw things about in his room and damaged the kitchen. He kicked in the stair door on 19 December 2025. The Police were called and advised the other tenants and the Applicant to call 999 if there were any further incidents. There has been low level antisocial behaviour, including noise disturbance, since that date. However, things escalated again this week. The Respondent was arrested on Tuesday night following an incident involving the property and a neighbouring property. He screamed at the occupants of the neighbouring flat through their door. He is now subject to bail conditions and cannot approach that property or its occupants. However, he was arrested again on Wednesday night/Thursday morning following further incidents. He attacked the door of one of the other tenant's rooms and damaged it. The Police attended and spent some time trying to get the Respondent to open the door of his room. There was concern about his wellbeing as there were blood stains on the door. Eventually, they forced entry and he was arrested again.
5. Mr Forsyth said that the arrears are now more than £5000. No rent has been paid since July 2025. He told the Tribunal that the Respondent is about 30 years of age and has lived at the property since 2022. Other than occasional issues with rent, there were no problems until the summer of 2025. Mr Forsyth believes that there are issues with drugs and alcohol which are causing the antisocial behaviour and rent arrears, although he has no information about other mental health problems. The other tenants in the property have had a very difficult time and he is surprised that they have not moved out. They know he is trying to get it sorted out. Mr Forsyth said that he does not know if the Respondent is working or if he has approached the Local Authority. He said that he was looking for somewhere else to stay. Although the rent arrears are significant, they have not yet caused the Applicant financial hardship. However, they are increasing weekly and no payments are being received. The Applicant's main concern is the wellbeing of the other tenants and the occupants of the neighbouring property who have been targeted by the Respondent.

Findings in Fact

6. The Applicant is the landlord of the property.
7. The Respondent is one of the tenants of the property.
8. The Respondent is due to pay rent at the rate of £150 each week.

9. The Respondent has been in arrears of rent since March 2025, and no payments have been made since July 2025.
10. The Respondent currently owes £5500 in unpaid rent.
11. The Respondent has engaged in antisocial behaviour at the property.
12. The Respondent has caused nuisance, annoyance, fear and alarm to other tenants in the property and to neighbours by shouting, playing loud music, making noise and banging and kicking the door to the property late at night. He has damaged fixtures and fittings in the property. The Police have attended on several occasions, and the Respondent has been arrested.
13. The Applicant served a Notice to leave on the Respondent on 17 April 2025.
14. The Respondent has failed to engage with the Applicant or offer any explanation for the arrears.
15. The Respondent resides at the property alone.

Reasons for Decision

16. The application was submitted with a Notice to Leave dated 17 April 2025, together with a copy email to the Respondent which establishes that the Notice was served on the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 12, rent arrears over three consecutive months and ground 14, antisocial behaviour.
17. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
18. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
19. Ground 14 of schedule 3 (as amended by the Coronavirus (Recovery and Reform (Scotland) Act 2022) states, "states "(1) It is an eviction ground that the tenant has engaged in relevant antisocial behaviour. (2) The First-tier Tribunal may find that the ground named in sub-paragraph (1) applies if - (a) the tenant has behaved in an antisocial manner in relation to another person, (b) the anti-social behaviour is relevant antisocial behaviour, and (c) either – (i) the application for an eviction order that is before the Tribunal was made within 12 months of the antisocial behaviour occurring, or(ii) the Tribunal is satisfied that the landlord has a reasonable excuse for not making the application within that

period.” Anti-social behaviour in relation to another person is described as including “(3)(a) doing something which causes or is likely to cause the other person alarm, distress, nuisance or annoyance,”. In terms of sub-paragraph 5 “Antisocial behaviour is relevant antisocial behaviour for the purposes of sub-paragraph (2)(b) if the tribunal is satisfied that it is reasonable to issue an eviction order as a consequence of it, given the nature of the anti-social behaviour and (a) who it was in relation to, or (b) where it occurred.”

20. Ground 12 of Schedule 3 (as amended by the Coronavirus (Recovery and Reform (Scotland) Act 2022) states “(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months. (3) The First-tier Tribunal may find that the ground named in sub-paragraph (1) applies if – (a) for three or more consecutive months the tenant has been in arrears of rent, and (b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.”
21. Sub-Paragraph (4) states, “In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider - (a) whether the tenant’s being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and (b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Minister in regulations.” Relevant benefits are defined in sub-paragraph (5) and include housing benefit and universal credit. The Pre Action-Requirements Regulations include the provision of clear information relating to the terms of the tenancy agreement, the level of the arrears, the tenant’s rights in relation to eviction proceedings and how the tenant can access information and advice.
22. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Respondent has engaged in relevant antisocial behaviour and that he has been in arrears of rent for three or more consecutive months, both at the date of service of the Notice to leave and the CMD. Part 1 of Grounds 14 and 12 are therefore established.
23. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Applicant did not provide any evidence of compliance with the Rent Arrears Pre-Action Protocol. However, he told the Tribunal that there had been rent arrears in the past and that he had worked with the Respondent to get them addressed. His attempts to speak to the Respondent about the current arrears have been unsuccessful
 - (b) The Tribunal is satisfied that there is no evidence that the arrears are attributable to a delay or failure in the payment of a relevant benefit. The Respondent has not engaged with the Applicant or the Tribunal and his employment status and entitlement to benefits is not known.
 - (c) The Respondent did not participate in the CMD or notify the Tribunal if the application is opposed.

- (d) The arrears are substantial and are increasing. No payments have been made since June 2025.
- (e) The Applicant provided statements from other occupants of the property who have experienced antisocial behaviour by the Respondent since July 2025. The behaviour has caused nuisance, annoyance, fear and alarm.
- (f) The Applicant also provided information and evidence that the antisocial behaviour is ongoing and has been directed at the other occupants of the property as well as the tenants of a neighbouring property.
- (g) The Applicant believes that the antisocial behaviour is connected to the abuse of alcohol and drugs. However, there is no evidence that the Respondent suffers from mental health issues.

24. The Tribunal concludes that the Applicants have complied with the requirements of the 2016 Act that grounds 14 and 12 have been established. For the reasons outlined in paragraph 23, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

Decision

25. The Tribunal determines that an eviction order should be granted against the Respondent.

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.

Josephine Bonnar, Legal Member

20 February 2026.