



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/25/4089

Re: Property at 9 Lyndon Court, West Skene Street, Macduff, AB44 1QE (“the Property”)

Parties:

Miss Grace Calder, 2 South Land Street, Buckie, AB56 1BX (“the Applicant”)

Miss Claire Stewart, 9 Lyndon Court, West Skene Street, Macduff, AB44 1QE (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member) and Gerrard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

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 Rules). 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 21 February 2026 informing both parties that a CMD had been assigned for 13 April 2026 at 2pm, which was to take place by conference call.

4. The letter and case papers were served by sheriff officers on the Respondent on 24 February 2026 by letterbox service.

The case management discussion – 13 April 2026

5. A CMD took place by teleconference on 13 April 2026. The Applicant was present on the call. The Respondent did not attend.

6. The Applicant invited the Tribunal to grant the order as sought. She said that she had not had any recent contact with the Respondent. The Respondent had ignored everything since the rent arrears started to accumulate in April 2025. The only contact she had with her was in January 2026 when the Respondent allowed an electrician access to the Property, regarding an electrical installation condition report (EICR).

7. The Respondent has not made any payments of rent for 12 months. The rent arrears amount to £4560 as at today's date.

8. The Applicant said that the Property is the only property that she rents out. She has a mortgage over the Property. It has been a strain on her to work extra, without receiving any rent payments for 12 months, whilst still having to meet her own legal obligations as a landlord.

9. Up until April 2025, the Respondent had paid her rent. Initially, she told the Applicant that she had lost some shifts, and this was the reason she had not been able to pay for the rent. She had not lost her employment, as the Applicant had seen her at her place of employment throughout. She said that the Respondent resides alone at the Property. She is 35 years of age. The Property has not been modified or adapted in any way. The Applicant said that she had understood the Respondent to be drinking alcohol heavily. This was the only health condition that she was aware of. The Respondent had shown her an appointment for a recovery programme. The last two times that she had seen the Respondent, she was not under the influence of alcohol.

10. The Applicant was aware that the Respondent had been in touch with the local authority housing department. As far as the Applicant is aware she has been engaging with them.

11. The Tribunal adjourned the CMD briefly to allow the members to consider the information provided. When the CMD was reconvened, the Tribunal advised the Applicant that it found the eviction ground established and concluded that it is reasonable to grant an order for eviction.

Findings in Fact

12. The Applicant is the heritable proprietor of the Property.

13. The Respondent is the tenant at the Property.

14. The parties entered into a private residential tenancy which commenced 28 November 2022.

15. The Applicant served Notice to Leave dated 22 August 2025 on the Respondent by hand delivery.

16. The Respondent has been in rent arrears for more than 3 consecutive months.

17. The Applicant served a section 11 Notice in terms of the Homelessness Etc Scotland Act 2003 to Aberdeenshire Council by e-mail on 22 August 2025

Reasons for Decision

18. The Tribunal was satisfied 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.

19. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied on Ground 12 of the Private Housing (Tenancies)(Scotland) Act 2016. The rent statement lodged, together with the updated information provided by the Applicant, discloses that the Respondent has been consistently in arrears of rent since April 2025. The Respondent was in arrears of rent of three months or more at the time the Notice to Leave was served. She has now not paid any rent since April 2025 and has not been willing to communicate with the Applicant regarding a payment plan. This is placing the Applicant under considerable strain. She has a mortgage over the Property which she still must pay. She must still continue to meet her obligations as a landlord. The Respondent is failing to meet her primary obligation as a tenant to pay the rent due. She has failed to engage with the Tribunal process. The Tribunal was satisfied that the ground for eviction was established and that it was reasonable in all the circumstances to grant the order sought 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.

Yvonne McKenna

13 April 2026

Legal Member/Chair

Date