



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/25/3403

Re: Property at 27H Dunkeld Road, Perth, PH1 5RN (“the Property”)

Parties:

Mr Grant Button, Ms Davina Button, 8 Ethel Moorhead Place, Perth, PH2 8FA; 8 Ethel Moorhead Place, Perth, PH2 8FA (“the Applicants”)

Mr Colin Gemmill, Ms Caitlyn Gallagher, 27H Dunkeld Road, Perth, PH1 5RN; 11 Windyridge Place,, Blantyre, G72 9YQ (“the Respondents”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondents)

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

Background

1. An application was received by the Housing and Property Chamber dated 7th August 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 7th January 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 19th February 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 28th January 2026.

3. On 8th January 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 8th January 2026.
4. The case was conjoined with case FTS/HPC/CV/25/3382

The Case Management Discussion

5. A CMD was held on 19th February 2026 at 10am by teleconferencing. The Applicants were not present but were represented by Mr Calvin Gordon, Solicitor, Thorntons LLP. The Respondents were not present and were not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither of the Respondents made representations in advance of the CMD.
6. Mr Gordon said that the Applicants were still seeking an order for eviction. The rent arrears are currently £28475. There have been no payments made since 6th March 2023. There has been no contact from either of the Respondents for a significant time.
7. Mr Gordon noted that it is accepted that the Second Named Respondent has moved out of the Property with the Respondents young child. However, she has not terminated the tenancy. Both parties need to agree to do so. She continues to be a Respondent in this application because the tenancy agreement has not been terminated.
8. The Tribunal asked why it has taken so long to raise the action given that it is such a substantial time since the last payment was made. Mr Gordon said that there were personal issues had prevented the Applicants taking action sooner. The Applicants took full advice from him in connection to this matter and Mr Gordon then proceeded with the applications.
9. Mr Gordon said that the Respondents were unable to make a direct payment application to the DWP as the Respondents National Insurance Number and dates of birth were not provided at the start of the tenancy. It is unknown if the Respondents are in receipt of state benefits.
10. Mr Gordon said that he did not believe that the Property was adapted for the Respondents to live in it and he does not know of the Respondents having any vulnerabilities or disabilities.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 6th August 2020.
12. The Respondents have persistently failed to pay the rent charge of £550 per month. The rent payments are due to be paid on the sixth day of each month.

13. The Respondents have been in rent arrears for three or more consecutive months when the notice was served. The rent account has been in arrears since 6th September 2021. There have been no payments made to the rent account since 6th March 2022.
14. There has been no contact from either of the Respondents.
15. The Second Named Respondent has left the Property but has not ended the PRT so remains a tenant until the tenancy is terminated.
16. The Respondents have no known vulnerabilities or disabilities.
17. The amount of the current outstanding rent arrears is £28475.
18. There are no issues of reasonableness that prevent an order from being granted.

Decision

19. The Tribunal found that ground 12 has been established and granted an order in favour of the Applicant.

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.

G Miller

19th February 2026

Legal Member/Chair

Date