



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/4079

Re: Property at 283 Charleston Drive, Lochee East, Dundee, DD2 4HN (“the Property”)

Parties:

J W Real Estate Limited, Europa House, Marsham Way, Gerrards Cross, SL9 8BQ (“the Applicant”)

Miss Alex Depta Weldon, 283 Charleston Drive, Lochee East, Dundee, DD2 4HN (“the Respondent”)

Tribunal Members:

Maurice O'Carroll (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 Order for Eviction be granted.

Background

1. The application for an Eviction Order was submitted on 23 September 2025. At the request of solicitors acting for the Applicant, the Eviction Order application was conjoined with an application for payment (CV/25/4081) which is the subject of a separate written decision.
2. A Case Management Discussion (CMD) was held by telephone on 6 April 2026 at 11am. The applicant was represented on the call by Miss Simone Callaghan of Messrs TC Young, solicitors. The Respondent did not attend on the call. The case file showed that the claimant was served with notice of the hearing at the Property by Sheriff Officers on 19 February 2026. Further, separate correspondence was sent to the Respondent by the Applicant on 19 March 2026 by first class recorded delivery post. That correspondence also re-stated the date of the CMD hearing.

3. Accordingly, the Tribunal was satisfied that the Respondent had been provided with adequate notice of the CMD and decided to proceed in her absence as permitted in terms of the rules. Any action that may be taken at a full hearing may also be done at a CMD including the granting of Orders.
4. The CMD was convened in order to consider the application for an eviction Order. The application was made under rule 109 on the basis of Ground 12 of Annex 3 to the Act, namely non-payment of rent for three consecutive months or more.
5. A deadline of 11 March 2026 for written representations had been set for the parties further to the Application. Neither party submitted further representations in relation to the eviction order application.

The Case Management Discussion

6. As the Respondent did not attend the CMD or provide any prior written submissions, evidence was provided solely by that applicant's representative.
7. The Applicant is the owner of the Property and is the landlord under a tenancy agreement with the Respondent.
8. The Applicant's representative confirmed the details of the schedule of unpaid rent provided to the Tribunal. The schedule as amended demonstrated that rent had been unpaid for the months April 2025 to March 2026.
9. She also confirmed that it was her understanding the Respondent lived alone in the Property and that there were no children living in the Property with her.
10. The Applicant's representative also confirmed that she was aware that the Respondent was in receipt of benefits. The Respondent had not made any contact with the Applicant at the time when she started to fall into rent arrears. Accordingly, the Applicant's representative was unaware of whether the Respondent had raised any difficulties with the Applicant in respect of benefit payment receipts.

Findings in fact

11. The parties entered into a rental agreement by means of a Private Residential Tenancy last signed on 3 December 2024 when the tenancy commenced. The rent payable was £800 per calendar month throughout the relevant period.
12. The Respondent has not paid any rent since March 2025 with arrears arising prior to that date. The requirements of Ground 12 of Schedule 3 to the Act have therefore been met.
13. The pre-action requirements for eviction proceedings have been complied with by the Applicant. The Respondent was validly served with a Notice to Leave on 18 August 2025. A copy of the Notice to Leave was duly served on the local authority

in accordance with the terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 on 23 September 2025.

14. No explanation for non-payment having been provided by the Respondent to the Applicant. No explanation for non-payment or any reasons why an Order for Eviction should not be granted was provided to the Tribunal.

Reasons for decision

15. In the absence of any explanation for non-payment of rent, or any reason why eviction should not be ordered, the Tribunal decided to exercise its discretion to grant an Order for Eviction.

Decision

16. The Tribunal therefore grants the Order for Eviction sought which is appended to the present decision. The Order may not be executed prior to 11 May 2026.

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.

8 April 2026

Legal Member/Chair

Maurice O'Carroll

Date