



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 and Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/EV/25/3961

Re: Property at 25 3/2 West Street, Dundee, DD3 6SB (“the Property”)

Parties:

Vedya Ltd, Barns of Wedderburn Farmhouse, Dundee, DD4 0PG (“the Applicant”)

Mr Gregor Burton, 25 3/2 West Street, Dundee, DD3 6SB (“the Respondent”)

Tribunal Members:

Evan Crainie (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 15 September 2025 (“the **Application**”), the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the **Act**”). The Ground relied on was Ground 12 of Schedule 3 to the Act, namely that the tenant has been in rent arrears for three or more consecutive months.
2. The application was accompanied by copies of:
 - i. Copy Private Residential Tenancy Agreement between the Parties, commencing on 18 March 2024, with a monthly rent of £550;
 - ii. Copy Notice to Leave dated 13 August 2025 advising the Respondent that an application to the Tribunal for an eviction order would not be made before 13 September 2025 together with proof of sending to the Respondent;

- iii. Copy notice under Section 11 of the Homelessness Etc. (Scotland) Act 2003 to Dundee City Council being the relevant local authority;
 - iv. Rent statement showing rent arrears throughout the majority of the tenancy and rent amounting to £3,420 as at 1 September 2025; and
 - v. Correspondence to the Respondent in respect of the pre-action protocol.
3. On 26 February 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion (“**CMD**”), and the Respondent was invited to make written representations by 19 March 2026. The Respondent did not make any written representations to the Tribunal.

CMD

4. A CMD was held by means of a telephone conference call on the morning of 10 April 2026. The Applicant was represented by Anna Paczkowska and Ryan Johnstone of Easylets Ltd. The Respondent was not present or represented. By reason of a Sheriff Officer Certificate of Intimation dated 3 March 2026, the Tribunal was satisfied that the Respondent was aware of the proceedings and so proceeded in their absence.
5. Ms Paczkowska confirmed that an Order for eviction is sought. Ms Paczkowska stated that the Respondent lives in the Property alone, is in full time employment and has no children. The Respondent had been without a job for a period of time but was now back in full time employment. So far as Ms Paczkowska was aware, the Respondent had no disabilities or health issues. Payment plans have been agreed in the past, but these have not been adhered to. Sporadic payments had been made to the rent and arrears, sometimes via Universal Credit, but the arrears had now risen to £6,743.12 as at 1 April 2026 (evidenced by an updated rent statement submitted to the Tribunal prior to the CMD). The Tribunal had no evidence before it that the rent arrears had accrued wholly or partly as a consequence of a delay or failure in the payment of a relevant benefit. Ms Paczkowska explained that the Respondent does not engage with the Applicant or Applicant’s Representatives.
6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.

Findings in Fact

7. From the Application and the CMD, the Tribunal made the following findings in fact:
- i. There is a private residential tenancy of the Property between the Parties;
 - ii. The correct statutory procedures have been carried out;
 - iii. The Respondent has been in rent arrears throughout the tenancy, being more than three consecutive months;
 - iv. The Respondent has not opposed the Application; and

- v. The Respondent is in full time employment and has no dependents residing with them at the Property.

Issue for the Tribunal

8. The issue for the Tribunal was to determine whether or not to grant the Order sought.
9. The Ground on which the Application proceeds is Ground 12 which states:

“(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months. (2)...(3)The First-tier Tribunal may find that the ground named by 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. (4) 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 Ministers in regulations.”

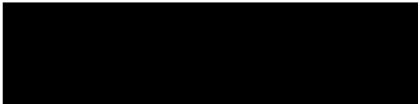
10. The Tribunal was satisfied that the Ground has been met and that the Respondents had been made aware of the consequences of their failure to pay rent.
11. Therefore, the statutory ground and procedure being established, the issue for the Tribunal was to determine if it is reasonable to grant the Order. The Tribunal took the view that it had sufficient information to make a decision on reasonableness and so proceeded to determine the Application.

Decision and Reasons for Decision

12. The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1947 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
13. The Tribunal had regard to the facts that the Respondent had been in arrears since October 2024 and the arrears continue to increase. The Tribunal's view is that the level of arrears being £6,743.12 combined with the length of time which arrears have existed leads to it being untenable for the Respondent to continue as a tenant in the Property. The Tribunal found that the Applicant is entitled to receive payment of rent and that this entitlement outweighs the Respondents' rights to remain in the Property. Accordingly, the Tribunal was satisfied that it is reasonable to issue an Eviction Order.
14. The decision is unanimous.

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.



Legal Member/Chair

Date: 10/04/2026