



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/25/4315

Re: Property at 30 Keats Place, Dundee, DD3 6QH (“the Property”)

Parties:

Mr Nicholas Leslie Glennie, Villa 310 Reem Townhouses, Town Square, Dubai, United Arab Emirates (“the Applicant”)

Ms Margaret Cavin, 30 Keats Place, Dundee, DD3 6QH (“the Respondent”)

Tribunal Members:

James Bauld (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that the application for the order for possession should be granted

Background

1. By application dated 7 October 2025 the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 24 December 2025 the application was accepted by the tribunal and referred for determination by the tribunal.

3. A Case Management Discussion (CMD) was set to take place on 20 May 2026, and appropriate intimation of that hearing was given to both parties. Service on the respondent was effected by sheriff officers on 21 April 2026.

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 20 May 2026 via telephone case conference. The applicant was present. The Respondent did not take part.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the applicant with regard to the application.
7. He confirmed that he wished the order for eviction to be made.

Findings in Fact

8. The Applicant is the registered owner of the property.
9. The Applicant and the Respondent, as respectively the landlord and tenant entered into a tenancy of the property which commenced on 10 September 2018.
10. The tenancy was a private residential tenancy in terms of the Act.
11. The agreed monthly rental was £525.00. The current monthly rental is now £556.50
12. On 25 August 2025 the applicant served upon the tenant a notice to leave as required by the Act. Service was effected by recorded delivery mail and the Notice became effective on 26 September 2025
13. The notice informed the tenant that the landlord wished to seek recovery of possession using the provisions of the Act.
14. The notice was correctly drafted and gave appropriate periods of notice as required by law.

15. The notice set out one of the grounds contained within schedule 3 of the Act, namely ground 12 (that the tenant had been in arrears of rent for three or more consecutive months)
16. Arrears had started to accrue in May 2025 and at the date of the lodging of the application arrears amounted to £1,669.50.
17. The amount of arrears at the date of the CMD was £2,112.50.
18. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.
19. The basis for the order for possession on ground 12 was thus established.

Reasons for Decision

20. The order for possession sought by the landlord was based on a ground specified in the Act and properly narrated in the notice served upon the tenant. The tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the landlord was entitled to seek recovery of possession based upon that ground.
21. The tribunal accepted the evidence presented on behalf of the landlord with regard to the rent arrears. A rent statement was produced which set out the history of the arrears.
22. From May 2025 until August 2025, the respondent failed to pay the rent as it fell due and significant arrears accrued. Further payments have been missed since then.
23. Rent payments have been made intermittently since August 2025. It is understood that respondent has been in receipt of Universal Credit. No formal agreement had been reached with regard to repayment of the arrears, and it was indicated that the respondent has generally refused to cooperate with the landlord's letting agent in respect of dealing with the rent arrears.
24. The applicant's letting agent has sent letters to the respondent on 26 June 2025, 4 July 2025, 12 August 2025 and 19 August 2025 in compliance with the provisions of the pre action protocols set out in the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020
25. The applicant advised the tribunal that the respondent is a single woman who lives in the property with her two daughters. He believes one to be aged about 18 and the younger one is in her early teens. The applicant believes that the

respondent been in touch with the local council seeking their assistance to obtain alternative accommodation having received the notice to leave in August 2025

26. The tribunal were satisfied that the respondent was well aware of the proceedings. She had received the notice to leave in August 2025. She had received intimation of the case management discussion by service upon her by sheriff officers in April 2026. The tribunal noted that the respondent had not attended the case management discussion nor had she provided any written representations setting out any reason why the order being sought should not be granted
27. The tribunal was satisfied that the tenant had been in arrears for a period far in excess of three consecutive months and the arrears owed were significant. The ground for eviction based on rent arrears was accordingly established.
28. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on ground 12 can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
29. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.
30. The Tribunal now has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the tribunal to grant the order or decline to grant the order will be relevant. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. This is confirmed by one of the leading English cases, **Cumming v Danson**, ([1942] 2 All ER 653 at 655) in which Lord Greene MR said, in an oft-quoted passage:

“[I]n considering reasonableness ... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account”.

31. In this case the tribunal finds that it is reasonable to grant the order.

32. The level of arrears is significant. The arrears are not currently reducing. The respondent has failed to communicate with the applicant's letting agent to enter into a payment arrangement to deal with ongoing rent and arrears.
33. The respondent has lodged no written representations with the tribunal despite being offered the opportunity to do so. She did not attend the case management discussions to provide any information to the tribunal to dispute the information provided by the applicant nor to set out any reason why it would not be reasonable to grant the order
34. In all the circumstances the tribunal decided that it was reasonable to grant the order sought.
35. The tribunal decided to exercise the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

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.

Jim Bauld

Jim Bauld

20.05.26

Legal Member/Chair

Date