



**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/25/3454**

**Re: Property at 96 Morvenside, Westburn, EH14 2SQ (“the Property”)**

**Parties:**

**Mr Alistair Wightman, 23 Brunton Terrace, Edinburgh, EH7 5EH (“the Applicant”)**

**Mr Sebastian Matuszny, 96 Morvenside, Westburn, EH14 2SQ (“the Respondent”)**

**Tribunal Members:**

**Mrs Lesley Ward (Legal Member) and Mr Tony Cain (Ordinary Member)**

**1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent shall be evicted from the property on the basis of ground 12 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (rent arrears of at least one month’s rent for three or more consecutive months), the tribunal being satisfied that the rent arrears are not wholly or partly due to a delay or failure in payment of a relevant benefit, and it being reasonable in all of the circumstances that the eviction be granted.**

**Background**

**2. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). The Applicant was represented by Mr James Sloan of DJ Alexander Lettings Ltd. The Respondent did not attend and was not represented. The tribunal had sight of the execution of service of the application on the Respondent on 26 February 2026. The tribunal was satisfied that the**

Respondent had received notice in terms of rule 24 and proceeded with the CMD in his absence in terms of rule 29.

3. The tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement dated 30 May 2022.
- (2) Notice to leave dated 6 June 2025.
- (3) Proof of service of the notice to leave.
- (4) Rent statement.
- (5) Pre-action requirements letters.
- (6) Section 11 notice and proof of service.
- (7) Land certificate.
- (8) Evidence of landlord registration.

### **Case management discussion**

4. Mr Sloan was seeking an eviction order on the basis of the substantial rent arrears. This is the only property his client rents out and he has found the lack of engagement by the Respondent and the substantial arrears very stressful. The Applicant has spent around £3000 on the property in the last few months and the Respondent has allowed access for repairs but he has not answered any of the correspondence or communications from the letting agent regarding the arrears. The Respondent is in employment as a bricklayer and he told the letting agent that the large payment he made in December 2025 was due to him being paid for a building job. The property is a one bedroomed flat and no one else is believed to live there.

### **5. Findings in fact**

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 30 May 2022.
- The agreed rent was £725.
- Rent arrears began to accrue in March 2025.
- A valid notice to leave was served on the Respondent on 6 June 2025 and at that time the rent arrears were £1617.60
- On 4 August 2025 the Respondent paid £1619 towards his rent arrears and a further sum of £808.80 on 29 August 2025 to clear the arrears.
- Further arrears began to accrue on 30 August 2025.
- Rent arrears have continued to accrue and no payments of rent have been made since December 2025.
- On 30 March 2026 the accrued rent was £4044.
- The sum of £4044 remains outstanding.

- The rent arrears are not due to a delay or failure in payment in a relevant benefit.
- The Applicant has complied with the pre-action requirements.

## Reasons

6. This was an undefended eviction application. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair.

7. There have been outstanding rent arrears of at least one month's rent since August 2025. The eviction ground is therefore met. The tribunal was satisfied on the balance of probability that the rent arrears are not due to a delay in payment in a relevant benefit. The arrears are substantial and the Respondent has not engaged with the Applicant's agents to address the arrears. The tribunal was therefore satisfied it was reasonable in all of the circumstances to grant the eviction order.

## 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.**

Lesley Ward

16 April 2026

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Legal Member/Chair

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Date