



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/25/4495

Property : 59 Marketgate, Arbroath DD11 1AT (“Property”)

Parties:

Qilan Li, 8a McLean Street, Dundee DD3 9QJ (“Applicant”)

MML Law, Meadowplace Buildings, Bell Street, Dundee DD1 1EJ (“Applicant’s Representative”)

Jean Alexander, 59 Marketgate, Arbroath DD11 1AT (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 1 January 2025 (“Tenancy Agreement”); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 1 September 2025 (“Notice to Leave”) with covering email; statement of rent arrears indicating arrears of £3,040 at October 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and evidence of compliance with the pre-action protocol. The Application was served on the Respondent by sheriff officer on 12 March 2026. On 7 April 2026 the Applicant’s Representative lodged an updated statement of arrears showing arrears of £5,320.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 29 April 2026 by teleconference. The Applicant was represented by Ritchie McNeil of the Applicant’s Representative. The Respondent was not in attendance. Mr McNeil told the Tribunal that there had been

no contact with the Respondent since August 2025. He said that no reason had been given for the Respondent ceasing to pay the rent, for example, there had been no intimation of repairs required. Mr McNeill said that he understood the Respondent lived in the Property alone. The Applicant did not know the Respondent's employment status or whether he had any health issues.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 1 January 2025.
2. The Notice to Leave was served by email on 1 September 2025.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. The Applicant had complied with the pre-action protocol prescribed by the Scottish Ministers.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.

Joan Devine

**Joan Devine
Legal Member**

Date : 29 April 2026