



**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/25/5125**

**Re: Property at 84 Skene View, Westhill, AB32 6BL (“the Property”)**

**Parties:**

**Create Homes Aberdeenshire LLP, Woodhill House, Westburn Road, Aberdeen, AB16 5GB (“the Applicants”)**

**Mr Ian Florens, 84 Skene View, Westhill, AB32 6BL (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Respondent)**

**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), 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 Applicants were represented by Ms Julie Leonard of Aberdeenshire Council. The Respondent did not attend and was not represented. The tribunal had sight of the execution of service of the application by Sheriff Officers on 23 March 2026 and was satisfied that the Respondent had received notice in terms of rule 24. The tribunal proceeded in his absence in terms of rule 29.

The tribunal did not adjourn to make its decision until 10.25 and the Respondent did not join the call late.

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

- (1) Private Residential Tenancy Agreement dated 1 November 2021.
- (2) Notice to leave dated 29 May 2025.
- (3) Proof of service of the notice to leave.
- (4) Section 11 notice and proof of service.
- (5) Land certificate.
- (6) Evidence of landlord registration.
- (7) Rent statements.
- (8) Emails regarding arrears.

## **Case management discussion**

### **The Applicants position**

4. The Applicants are seeking an order for eviction on the basis of the substantial rent arrears that have accrued over a 4 year period. The property has three bedrooms and the Respondent lives in it with his 17 year old son. The Respondent had substantial rent arrears of over £3000 before he became entitled to Housing Benefit in the form of Universal Credit. He has been eligible since November 2022. The property is considered underoccupied as it has three bedrooms and only the Respondent and his son live in it. There is therefore a shortfall with the applicable Universal Credit and part of this has been covered by Discretionary Housing Benefit but this ran out at the end of April 2026. The Respondent works as a delivery driver and his income varies so his Universal Credit can go up and down. The Respondent has paid nothing towards his rent since November 2025 and he has declined to engage with the landlord.

## **7. Findings in fact**

- The Applicants are the owners and registered landlords of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 1 November 2021.
- The agreed rent was £177.83 per week.
- Rent arrears began to accrue in May 2022.
- The Respondent was served with a valid notice to leave on 29 May 2025 when the rent arrears were £2779.89.
- The rent arrears in May 2026 are £4581.13
- The Respondent is entitled to Universal Credit for a portion of his rent.
- The property is three bedroom and is considered underoccupied.
- The Respondent was entitled to Discretionary Housing Benefit until April 2026 for a portion of his rent

- The Respondent lives in the property with his 17 year old son.
- The Respondent is in employment as a delivery driver.
- The arrears of rent are not wholly or partly due to a delay or failure in payment of a relevant benefit.

## **Reasons**

8. 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. The tribunal was satisfied that the eviction ground was met as there have been rent arrears in excess of one month's rent for more than three months, both at the date of service of the notice to leave and at the date of the CMD.

9. Being satisfied that the eviction ground was met, the tribunal went on to consider the reasonableness of granting the eviction. The tribunal was satisfied that the benefits were being paid and the arrears did not relate to any issue with Universal Credit. The rent arrears are substantial and the Respondent has failed to make any payment since November 2025 although he is still receiving Universal Credit towards his rent. The Respondent has failed to engage with the Applicants regarding the arrears.

9. The tribunal was 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.**

**L Ward**

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**Legal Member**

**1 May 2026**

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**Date**

