



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/25/4951**

**Re: Property at Ladyfield Farm, Annan, DG12 5RD (“the Property”)**

**Parties:**

**Mr John William Forrest, Hurkledale Farm, Cummertrees, Annan, DG12 5QA  
 (“the Applicant”)**

**Mr Kevin McDougall, Ladyfield Farm, Annan, DG12 5RD (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the Property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters dated 23 April 2026 were issued to the parties informing them that a CMD had been assigned for 26 May 2026 at 10am, which was to take place by conference call. The letter was served on the Respondent by sheriff officer on 22 April 2026 by depositing it in the letterbox of the Property. In the letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application

if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 14 May 2026. No representations were received by the Tribunal.

### **The case management discussion – 26 May 2026**

4. The CMD took place by conference call. The Applicant was represented by Mrs Katherine McAlpine, solicitor. The Respondent did not join the conference call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/25/4953. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that all of the discussions surrounding the tenancy took place verbally. The parties agreed that the Respondent would rent the Property and the yard in return for payment of rent. The yard has a separate electricity supply and the Respondent agreed to pay for that supply. There has been no contact between the parties since the applications were submitted to the Tribunal. There was a dispute between the parties some time ago about services provided by the Respondent to the Applicant. That dispute was resolved by the Applicant making payment to the Respondent. Although the parties reached agreement in relation to that dispute, the relationship between the parties was adversely affected. The Respondent has not paid rent since December 2023 and has not paid for the electricity supply to the yard since October 2023. The rent arrears have increased to £36,800 and the sums due in respect of the electricity supply have increased to £2,331.54.
6. The Respondent lives in the Property with his wife. His employment status is unknown to the Applicant.

### **Findings in Fact**

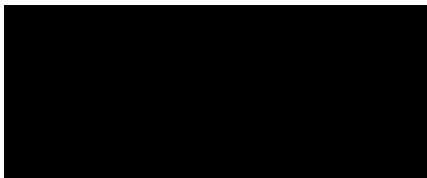
7. The Applicant is the tenant of Hurkledale Farm, Cummertrees, Annan, DG12 5QA and he sub-let the Property and adjacent yard at Ladyfield Farm, Annan, DG12 5RD to the Respondent.
8. The tenancy is an assured tenancy which commenced in or around August 2015.
9. The Applicant served Notice to Quit and Notice of Proceedings (form AT6) on the Respondent by recorded delivery post on 28 July 2025.
10. The Respondent has persistently delayed in paying rent which is lawfully due.
11. Some rent is lawfully due by the Respondent which was unpaid at the time the Notices were served and is still unpaid at the time of the CMD.
12. The Respondent has failed to pay for the electricity supply to the yard.

## **Reason for Decision**

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
14. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon grounds 11, 12 and 13 of the Housing (Scotland) Act 1988. The rent statement lodged with the application discloses that the Respondent has been consistently in arrears of rent since January 2024. Since the application was submitted, the rent arrears have increased to £36,800 and the last payment made by the Respondent was in December 2023. In addition to the rental payments which are due, the Respondent has not paid for the cost of the electricity supply to the yard adjacent to the Property, as agreed between the parties. The Tribunal concluded that the grounds of eviction are established.
15. In relation to reasonableness, the Tribunal observed that the Respondent has not engaged in this process. There is a significant balance of rent arrears now due to the Applicant. The Respondent is failing to meet his primary obligation to pay rent, has not engaged with the Tribunal and has not made any offer to pay the ongoing rent and arrears. It appears that either the tenancy is unaffordable to the Respondent or he is deliberately choosing not to pay rent. Taking account of all of these matters, the Tribunal was persuaded that it is reasonable to grant the order for eviction.

## **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.**



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**Legal Member/Chair**

**26 May 2026**  
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**Date**