



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/25/1580

Property : 100A, Charlotte Street, Fraserburgh, Aberdeenshire AB43 9LS ("Property")

Parties:

Kenneth Noble, 56 Arisaig Drive, Fraserburgh, Aberdeenshire AB43 9NW ("Applicant")

Shaun Brigham, 100A, Charlotte Street, Fraserburgh, Aberdeenshire AB43 9LS ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Frances Wood (Ordinary Member)

Decision

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

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: A private residential tenancy agreement which commenced on 27 May 2019; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 18 February 2025 ("Notice to Leave"); Royal Mail proof of delivery on 19 February 2025 and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email; letter from Peterhead sheriff court dated 15 May 2025. A Case Management Discussion ("CMD") was fixed for 4 December 2025 but was postponed. A further CMD was fixed for 21 May 2026. The date of the CMD was intimated to the Respondent on 23 April 2026.

Case Management Discussion

A CMD took place before the Tribunal on 21 May 2026 by teleconference. The Applicant was represented by Dawn Marie Noble. The Respondent was not in attendance. Mrs Noble told the Tribunal the rent for the Property was paid via benefits. She said there had been arrears some time ago but they had more or less been cleared by benefits received. The Tribunal asked about the assault referred to in the application. Mrs Noble told the Tribunal that the Applicant's father, who is aged 80, attended the property next to the Property and was approached by the Respondent who asked him to come into the Property to look at mould in the kitchen and washing machine. She said that Mr Noble went into the Property. She said that as the discussion between Mr Noble and the Respondent developed the Respondent became aggressive and assaulted Mr Noble. She said the neighbour called the police. She said it took some time for the matter to come to trial but the Respondent was convicted of assault. She said that the Applicant has received threatening messages from the Respondent. Mrs Noble referred to difficulties in tradesmen accessing the Property to carry out necessary works such as gas safety checks. Mrs Noble told the Tribunal that the Respondent lives in the Property alone, is aged 60 and has worked as a fisherman. She said she was not aware of the Respondent having any relevant illness or disability.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property which commenced on 27 May 2019.
2. A Notice to Leave was served on the Respondent by recorded delivery post on 19 February 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 22 March 2025.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Respondent has a relevant conviction in that he was convicted of assault on 27 August 2024, which assault took place in the Property.
5. The Respondent engaged in relevant anti-social behaviour in that he assaulted Kenneth William Noble at the Property.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to 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 13, which is that the tenant has a relevant conviction, and Ground 14 which is that the tenant has engaged in relevant antisocial behaviour.

The evidence lodged with the application in respect of ground 13 and 14 was a letter from Peterhead Sheriff Court dated 15 May 2025 which stated that the Respondent was found guilty of assaulting Kenneth William Noble on 27 August 2024 following a trial.

The Tribunal considered the evidence provided as well as the oral submission made by Mrs Noble and determined that both grounds for eviction had been established.

The Tribunal considered the question of reasonableness. Having considered all of the circumstances, and in the absence of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal determined to grant 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
Legal Member**

Date : 21 May 2026