



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/25/3988

Re: Property at 6 Charles Street, Inverness, IV2 3AQ (“the Property”)

Parties:

Ms Roslynn Fraser, 23 Marine Terrace, Rosemarkie, Fortrose, IV10 8UL (“the Applicant”)

Mr Usman Ahmad, 6 Charles Street, Inverness, IV2 3AQ (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Melanie Booth (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted

Introduction

This is an eviction order and is under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Intimation of the application and of the initial Case Management Discussion (CMD) in both applications were effected upon the respondent by Sheriff Officers on 9 April 2026.

The CMD took place by teleconference on 15 May 2026 at 2.00 pm. The applicant represented her own interests. The respondent was represented by Mr Ron Mackenzie of Inverness CAB.

Findings and Reasons

The property is 6 Charles Street, Inverness IV2 3AQ. The applicant is Ms Roslynn Fraser who is the heritable proprietor and registered landlord. The respondent is Mr Usman Ahmad who is the tenant. The parties entered into a private residential tenancy

which commenced on 5 May 2022. There was former co tenant (the respondent's brother) but the lease was amended in January 2025 to reflect his departure.

The eviction is based upon arrears of rent and the ground relied upon is ground 12 of Schedule 3 to the 2016 Act. The application is supported by a rent statement which reflects the arrears of rent relied upon. The tribunal found this a credible and reliable document and attached weight to it. As at the date the notice to leave was served £4,800 was outstanding. The amount of arrears outstanding as at the date of hearing is £9,440.

The notice to leave is dated 22 July 2025. 28 days' notice required to be given. The notice states an application will not be submitted to the tribunal for an eviction before 23 August 2025. The notice was served by email dated 23 July 2025. Sufficient statutory notice was given.

The tribunal was satisfied that more than three consecutive months of rent remains unpaid by the respondent. This is not disputed. This establishes ground 12. The tribunal proceeded to consider the issue of reasonableness.

The respondent does not oppose the application. His only concern is the length of time to leave the property. He is a self-employed taxi driver and lives with his wife and two young children. None of the family have disabilities or other vulnerabilities.

There is evidence that a section 11 Homelessness notice has been served. If an eviction order being granted that the local authority has a statutory duty to make alternative accommodation available. The rent arrears pre-action requirements have been adequately adhered to.

The Respondent is only paying 50% of the rental payments due. Full rent has not been paid since January 2025. The level of arrears is very high. It is not reasonable for the applicant to continue to make the property available for any longer than necessary.

In all of the circumstances the tribunal determined that it was reasonable to grant the eviction order sought by the applicants.

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.

Richard Mill

15 May 2026

Legal Member/Chair

Date