



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under 51 of the Private Housing (Tenancies)  
(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/4595**

**Re: Property at 78F Jute Street, Aberdeen, AB24 3HB (“the Property”)**

**Parties:**

**Mr Ian Robertson, 88 Stotfield Road, Lossiemouth, Moray, IV31 6QT (“the Applicant”)**

**Mr David Broughall, 78F Jute Street, Aberdeen, AB24 3HB (“the Respondent”)**

**Tribunal Members:**

**Robert MacDonald (Legal Member) and Tony Cain (Ordinary Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 12 of Schedule 3 of the 2016 Act are met in this case and determined that it should grant an order for recovery of possession.

The Tribunal therefore made an Eviction Order under Section 51 of the 2016 Act.

In terms of Section 51(4) of the 2016 Act, the private residential tenancy between the parties will end on 26<sup>th</sup> June 2026.

**Background**

1. This is an application dated 24<sup>th</sup> October 2025 for an Eviction Order under Section 51 of the 2016 Act and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Rules and Procedures 2017) (“The Rules”). The Applicant relied upon ground 12 of Schedule 3 of the 2016 Act as the ground for eviction, namely that the tenant had been in arrears of rent for three or more consecutive months.
2. The application was accepted by the Tribunal as valid on 30<sup>th</sup> January 2026. It was referred to a Tribunal for determination. The Case Management

Discussion (“CMD”) was set down to take place on 27<sup>th</sup> May 2026 by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the rules. A Notice was served on the Respondent by Sheriff Officers.

3. The Tribunal invited the Respondent to make any written representations to the Tribunal by 15<sup>th</sup> May 2026. No written submissions were lodged by or on behalf of the Respondent.

### **The Case Management Discussion**

4. The CMD took place on 27<sup>th</sup> May 2026 at 10am. The Applicant’s representative, James Sloan of DJ Alexander Lettings Limited represented the Applicant. The Applicant was not present. The Respondent was present on the call.
5. The Tribunal had the following documents before it:-
  - a. Form E application form;
  - b. Copy Land Certificate confirming the property was owned by the Applicants;
  - c. Evidence that the Applicants were registered as a landlord;
  - d. A copy of the private residential tenancy agreement between the parties;
  - e. A copy of the Notice to Leave and proof of delivery of the Notice on the Respondent by email on 20<sup>th</sup> August 2025;
  - f. Copy Section 11 Notice in terms of the Homelessness Etc (Scotland) Act 2003 and proof of delivery to the Local Authority by email on 24<sup>th</sup> October 2025;
  - g. Copy rent account to 30<sup>th</sup> September 2025.
6. The Tribunal heard submissions from the Applicants agent and from the Respondent.
7. Mr Sloan advised the Tribunal that the property was one of a portfolio of six which had been owned by the Applicants, and which was designed to provide an income for them in their retirement. He advised that as at the date of the CMD the rent arrear on the property was £7150. The last payment towards the rent account by the tenant was on 30<sup>th</sup> June 2025. There were accordingly ten months arrears of rent. Mr Sloane spoke to the pre-action protocol letters and confirmed that the agents had also tried to contact the Applicant by text message and email without a response. He said that the property had been inspected by the letting company in February 2026. He said that the property hadn’t been kept good condition in accordance with the tenancy conditions. He said that the Applicants were going to sell the property if they recover possession and rely on the funds to finance their retirement.
8. The Respondent advised the Tribunal that he was 34 years of age. He wasn’t currently working. He had no dependants. He lived in the property by himself. He had worked off and on, but he suffered from depression and anxiety. He

rarely left the property. He had received the pre-action protocol correspondence from the Applicants agents but had not paid attention to the detail contained therein about advice agencies. He had not sought any advice about obtaining alternative accommodation. Ultimately, he accepted that the arrears of rent were as stated by the Applicants agent. He was in receipt of universal credit which included a housing element of £435 per month. He was not opposing the application.

9. The Tribunal adjourned the Case Management Discussion to deliberate outwith the present of the parties. After a brief adjournment the Tribunal resumed the Case Management Discussion and confirmed the outcome.

### **Findings in Fact and Law**

10. The Applicants are the owners of the property in terms of a Land Certificate, title number ABM4325. They are the landlords and the Respondent is the tenant of the property in terms of a private residential tenancy agreement which commenced on 30<sup>th</sup> July 2024.
11. The Applicants agent sent a Notice to Leave as defined by Section 62 of the 2016 Act to the tenant by email on 24<sup>th</sup> October 2025. The terms of the private residential tenancy agreement provided for service of such Notice by email. In terms of the Notice, the Respondent was advised that an application would not be submitted to the Tribunal for an Eviction Order before 20<sup>th</sup> September 2025.
12. Notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 was sent on behalf of the Applicants to Aberdeen City Council on 24<sup>th</sup> October 2025.
13. The arrears of rent at the time the application was submitted to the Tribunal was £3300.
14. At the date of the CMD the rent arrears were £7150.
15. The Respondent has not paid rent to the landlord since 30<sup>th</sup> June 2025.
16. The Respondent is 34 years of age. He suffers from depression and anxiety. He is not currently working.
17. The Respondent receives universal credit which includes a housing element of £435 per month.
18. The Respondent has not made any efforts to find alternative accommodation.
19. The Respondent did not oppose the application.
20. It is reasonable to make an Eviction Order.

## Reasons for Decision

21. The Tribunal was satisfied having considered all the documentary evidence before the Tribunal and the submissions from the parties that it has sufficient information before it to make the relative findings in fact and to enable it to reach a decision on the application. The Tribunal accepted the documentary evidence lodged, and submissions made by or on behalf of the parties at the CMD.
22. The Tribunal was satisfied the Applicants had complied with the statutory requirements in relation to service of the Notice the Leave on the tenant and intimation to the Local Authority.
23. The Tribunal was satisfied that the Respondent was in arrears of rent in the sum of £7150.
24. The Tribunal considered the Respondent's circumstances. He had no dependence. He suffered from depression and anxiety. He did not know what to do when retaining alternative accommodation.
25. The Tribunal considered whether it was reasonable to make an Eviction Order in account of the information available to it which required the Tribunal to identify the factors relevant to issues of reasonableness and determine how much weight should be applied to them. The Tribunal attached considerable weight to the extent of the rent arrears, and the fact that the Respondent was receiving part of the rent through universal credit.
26. Having considered the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted. The Tribunal was satisfied that the provisions of paragraph 12 of Schedule 3 of the 2016 Act had been met in this case.
27. The decision of the Tribunal was unanimous.

## 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.**

Robert MacDonald

27.5.26

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Legal Member/Chair

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Date