



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/25/4870

Re: Property at 40 Black Loch Place, Dunfermline, Fife, KY11 8ZD (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, Fife, KY6 2DA (“the Applicant”)

Mr Robert Thomson, 12 D, Factory Road, Kirkcaldy, KY1 2NJ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 11th November 2025 as amended by email of 5th March 2026. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on grounds 10 and 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 23rd April 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 26th May 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 11th May 2026.

3. On 28th April 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 28th April 2026.
4. On 11th May 2026, the Applicant emailed the Housing and Property Chamber requesting that the amount sought be increased to £6,957.22 for the conjoined application.
5. The case was conjoined with case FTS/HPC/CV/25/4877.

The Case Management Discussion

6. A CMD was held on 26th May 2026 at 10am by teleconferencing. The Applicant was not present but was represented by Ms Kirstie Donnelly, Solicitor, TC Young. The Respondent was not present and not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
7. Ms Donnelly motioned for the application to include ground 12 as per the email of 5th March 2026. The Tribunal was content that it was appropriate to amend and include this ground given the arrears and that the Respondent had an opportunity to respond with an objection but did not do so.
8. Ms Donnelly said that the Respondent appears to have left the Property. The blinds have remained in the same place, the same window remains open and there appears to be no furniture in the Property. Ms Donnelly said that efforts have continued to be made to contact the Respondent but he has not contacted either the Applicant or her firm. The Respondent's sister was listed as his next of kin. She was contacted to see if she had any up to date contact details. She said that he had left the Property in April 2025. She did not provide any other details and the Applicant was not able to discuss any further matters with her. Rent during the tenancy was paid by direct debit. However, it appears that the mandate was terminated prior to the June 2025 instalment, resulting in that payment being returned unpaid. The Applicant spoke with the Respondent's neighbours, who said he left in October 2025. Ms Donnelly said it is clear that the Respondent has left the Property. However, it is not clear exactly when he left. The Applicant wishes the protection and comfort of an order for eviction.
9. Ms Donnelly said that the Respondent has been written to many times to advise that if he is no longer living in the Property then he will need to terminate the tenancy or otherwise the Applicant will have to apply to the Tribunal for an eviction order. He has also been advised that the rent arrears will continue to accrue until the tenancy is formally ended. There has been no response. There have been no payments since 1st May 2025. The arrears continue to increase. The arrears are currently £6,957.22.
10. The Tribunal was satisfied that ground 10 has been met. The Respondent is not living in the Property but has not given his notice to end the tenancy. The correct procedure is for the Tribunal to grant an order for eviction. In addition,

the Respondent meets ground 12 in that he has accrued significant arrears for three or more months and continues to accrue arrears.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 4th July 2025.
12. The Respondent persistently failed to pay his rent charge of £547.81 per month. The rent payments are due to be paid on the first day of each month.
13. The Respondent has been in rent arrears for three or more consecutive months when the notice was served. The rent account has been in arrears since 1st May 2025.
14. The arrears sought in the conjoined application are £6,957.22. This has continued to increase to this amount since the application was lodged.
15. The Applicant has made significant efforts to contact the Respondent. This has included sending a letter to his place of employment. The Respondent has not contacted the Applicant to confirm that he is or is not residing in the Property. The Applicant's staff have been to the Property on more than one occasion and found the blinds to be up, the same window open and there appears to be no furniture in the Property. The Applicant's solicitor undertook a trace with sheriff officers. The sheriff officers found the Respondent to be residing at two addresses, neither of which is the Applicant's property. The Respondent's sister said that the Respondent left in April 2025. The neighbours said that he left in October 2025.
16. The Respondent has no known vulnerabilities or disabilities. The Respondent lived on his own in the Property. He was known to be employed when the lease started.
17. There are no issues of reasonableness that prevent an order from being granted.

Decision

18. The Tribunal found that grounds 10 and 12 have been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

26th May 2026

Legal Member/Chair

Date