



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 58 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/PR/26/0079**

**Re: Property at 20 East Main Street, Uphall, EH52 5DA (“the Property”)**

**Parties:**

**Mr Andrew Douglas, 60 Bannerfield Drive, Selkirk, TD7 5BG (“the Applicant”)**

**Mr Aldo Marcantonio, 30 Newmarket Street, Falkirk, FK1 1JQ (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a wrongful termination order should be made requiring the Respondent to make payment to the Applicant in the sum of TWO THOUSAND SEVEN HUNDRED POUNDS (£2,700.00) STERLING**

**Statement of Reasons**

1. This Application called for its Case Management Discussion by teleconference call on 18 June 2026. The Applicant was represented by his father, Peter Douglas. The Respondent was neither present nor represented.
2. In this Application the Applicant seeks a Wrongful Termination Order. The Applicant is the former tenant of the Respondent. He occupied the Property under a Private Residential Tenancy Agreement that commenced on 26 August 2022. His rent was £450 per calendar month. He contends that he was misled by the Respondent into ceasing to occupy the Property immediately before it was brought to an end. In particular, the Applicant asserts that he received a Notice to Leave from the Respondent specifying that the Respondent required the Property back to allow a family member to

move into it. The Notice to Leave was served in July 2025. The Applicant relied upon the Notice to Leave and vacated the Property in December 2025. The Applicant asserts that doing so caused him considerable personal difficulty and distress. However, in early January 2026 the Property was listed publicly for re-letting. The Applicant has produced copies of the advertisements with the Application. The Applicant believes that the Respondent never intended to move a family member into the Property and that the process was a deliberate falsehood to mislead the Applicant into vacating the Property.

3. In terms of Rule 17(4) of the First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision, including the need to avoid unnecessary delay.
4. The Respondent has had an opportunity to lodge written representations and, separately, appear at the Case Management Discussion to dispute the Applicant's assertions. He has not done so. The Tribunal is satisfied that a Hearing is unnecessary. It is plain from the papers produced by the Applicant in support of the Application that the Respondent gave Notice to Leave on the basis asserted by the Applicant and that the Property was instead marketed for re-letting shortly after the Applicant had moved out. The Tribunal is accordingly satisfied that the Applicant was misled by the Respondent into ceasing to occupy the Property without an eviction order. In terms of section 58 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal may make a Wrongful-Termination Order where so satisfied. The Tribunal has determined that it is appropriate to do so.
5. In terms of section 59(1) of the 2016 Act, the Tribunal may not order a landlord to pay to a tenant a sum exceeding six months' rent under a wrongful-termination order. That sum is a prescribed maximum sanction. It is not a default award to be made. When satisfied that a wrongful-termination order ought to be made, the Tribunal is required to determine what an appropriate sanction would be. That is an exercise of judicial discretion that requires to be exercised having regard to all of the circumstances of the case.
6. In this case the Respondent has not offered any statement in mitigation of his acts. He has not engaged with the Tribunal process. The timing between the Applicant's removal and the reletting of the Property was sufficiently short for the Tribunal to conclude that the Respondent's conduct was calculated to deceive the Applicant to achieve the Respondent's desired aim. The Applicant had been living in the Property since 26 August 2022. His belief that he required to remove from his home caused him significant distress. The misuse of a Notice to Leave to procure the wrongful-termination of a Private Residential Tenancy ought to be discouraged, and any award ought therefore to have both a penal effect and a deterring effect. Having regard to those matters, the Tribunal determined that this case was sufficiently serious as to

merit an award at the highest end of the scale. Accordingly, the Tribunal determined that the Respondent should pay the Applicant the sum of £2,700, being a sum equal to six months' rent.

### **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.**

# A Upton

18.06.26

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Legal Member/Chair

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Date