



**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/25/4184**

**Property : 68 Balfour Street, Kirkcaldy, Fife KY2 5HD (“Property”)**

**Parties:**

**Antonio Citro and Paola Maciocia, 17 West Albert Road, Kirkcaldy, Fife KY1 1DL (“Applicant”)**

**Murray Properties (Fife) Ltd, 91 St Clair Street, Kirkcaldy, Fife KY1 2NW (“Applicant’s Representative”)**

**Connor Logan, 68 Balfour Street, Kirkcaldy, Fife KY2 5HD (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 26 January 2024 (“Tenancy Agreement”); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 27 August 2025 (“Notice to Leave”) with covering email; statement of rent arrears indicating arrears of £2,445 at August 2025 and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003. The Application was served on the Respondent by sheriff officer on 30 March 2026.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 13 May 2026 by teleconference. The Applicant was represented by Harry Rodger of the Applicant’s Representative. The Respondent was not in attendance. Mr Rodger told the Tribunal that the arrears started to accumulate when the Respondent lost his job. He said that the Respondent

had then been “in and out” of work. He said that £450 was received each month from universal credit. He said the current arrears are £3,135. The Tribunal asked about the rent increase from £575 to £595. Mr Rodger said he had sent in a copy of the rent increase notice along with evidence of compliance with the pre-action requirements. He said a rent increase notice was issued in the statutory format which increased the rent with effect from January 2025. He summarised the terms of a communication sent to the Respondent regarding the arrears and signposting the Respondent to support services.

Mr Rodger told the Tribunal that the Property is a one bedroom property, that the Respondent lives there alone and that the Respondent is aged 30. He said he understood the Respondent has family locally. He said he was aware of the Respondent registering with at least one housing association.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 26 January 2024.
2. The Notice to Leave was served by email on 27 August 2025.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may 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 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

## **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.**

**Joan Devine  
Legal Member**

**Date : 13 May 2026**