

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/4911

Re: Property at Room 2, 34 Uphill lane, Peterhead, AB42 1EJ (“the Property”)

Parties:

JCS Properties, 21 Anderson Drive, Aberdeen, AB15 4ST (“the Applicant”)

Mr Andrii Kavetskyi, Room 2, 34 Uphill lane, Peterhead, AB42 1EJ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Helen Barclay (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 13th November 2025. 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 ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 20th May 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 22nd June 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 10th June 2026.
3. On 2nd June 2026, the Applicant emailed the Housing and Property Chamber lodging a rent account for the period 31st October 2022 to 1st June 2026 showing rent arrears of £7823.33.

4. On 21st May 2026, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by personal service. This was evidenced by Certificate of Intimation dated 21st May 2026.

The Case Management Discussion

5. A CMD was held on 2nd June 2026 at 2pm by teleconferencing. The Applicant was not present but was represented by Mrs Lorna Wilson, Peterhead Property Letting Agency. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
6. Mrs Wilson said that as it is an HMO it is clear that the Respondent is still living in the Property as the other tenants have seen him. Mrs Wilson said that the last time she had any communication with the Respondent was in January 2026. Mrs Wilson had gone to the Property and spoken directly with the Respondent. She noted that while there was a language barrier he was able to understand what she was saying to him in terms of the arrears and pursuing an eviction at a Tribunal. Mrs Wilson said that he had lots of friends who will assist him with letters. He is Ukrainian.
7. Mrs Wilson noted that the current outstanding arrears are £7514.17. Direct payments have started from Universal Credit. There have been payments on 7th May 2026 and 7th June 2026 for £389.10. The monthly charge is £346.67 so there is an element of payment towards the arrears in addition to the ongoing rent charge. She is not expecting any further backdate of benefit. Mrs Wilson believes that the local council may be helping the Respondent as she has been contacted regarding whether the rent is now being paid as part of a reference for housing. Mrs Wilson presumes that he is now actively looking to be rehoused by his local council.
8. Mrs Wilson said that the Respondent lives on his own in one room. He is not known to have any disabilities or vulnerabilities. He did lose his job and has struggled to find a new one. Mrs Wilson suspects that the Respondent may have issues with alcohol but had no evidence to support that.
9. Mrs Wilson said that there were some antisocial behaviour issues in February – March of this year. One of the other tenants accused the Respondent of stealing her food and money. She contacted the Police and there have been no further concerns of any incidents. Mrs Wilson said that the Applicant still would like the Respondent to be evicted as he has a very high amount of arrears. The Tribunal estimates that it will take over 15 years to repay the outstanding amount at this rate. She said that the Applicant has had experience of benefit payments stopping and starting in the past. As the arrears are so high it is a lot for the Applicant to risk. Mrs Wilson said that the Applicant is concerned about the other tenants. The tenant who accused the Respondent of theft has been a tenant for 12 years without issue.
10. Mrs Wilson said that the Appellant has approximately 12 other properties though he is in the process of selling some of his properties.

11. The Tribunal considered all before it and considered the issue of reasonableness in reaching its decision. The Tribunal was satisfied that it was reasonable to grant an order for eviction.

Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 31st October 2022.
13. The Respondent has persistently failed to pay his rent charge of £80 per week. The rent payments are due to be paid in advance each week.
14. The Respondent was in rent arrears for three or more consecutive months when the notice was served. The rent account has been in arrears since 29th May 2023.
15. There are no known outstanding Universal Credit Housing Element issues.
16. The arrears are currently £7514.17. There are payments being made direct from Universal Credit for £389.16 each month. The monthly charge is £346.67. There is an amount each month to the arrears. It will take over 15 years to pay the arrears at this rate.
17. The Respondent has no known vulnerabilities or disabilities.
18. There are no issues of reasonableness that prevent an order from being granted.

Decision

19. The Tribunal found that ground 12 has 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

Legal Member/Chair

22nd June 2026

Date

