



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/25/4925

Re: Property at 80 Fintry Crescent, Dundee, DD4 9EX (“the Property”)

Parties:

The Black Property Company (UK) Limited, Diana House, 19 Inveraldie Crescent, Tealing, Dundee, DD4 0QR (“the Applicant”)

Charlene Duthie, 80 Fintry Crescent, Dundee, DD4 9EX (“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 14th 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 10am by teleconferencing. The letter also requested all written representations be submitted by 10th June 2026.
3. On 21st May 2026, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 21st May 2026.

4. On 4th June 2026, the Applicant's legal representative emailed the Housing and Property Chamber requested the amount sought in the conjoined application be increased to £10,050. A rent statement was attached to the email.
5. On 8th June 2026, the Respondent emailed the Housing and Property Chamber advising that she was not opposed to an order being granted. She raised issues of disrepair within the Property. She also disputed that there were any antisocial issues on her part. She considered that the landlord/tenant relationship had broken down.
6. The case was conjoined with case FTS/HPC/CV/25/5100.

The Case Management Discussion

7. A CMD was held on 22nd June 2026 at 10am by teleconferencing. The Applicant was not present but was represented by Ms Rachel Collins, Trainee Solicitor, Gilson Gray LLP. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules.
8. The Respondent raised in her submission there were repairs needing done to the Property which is why she did not maintain rent payments. Ms Collins said that this position was strongly disputed. The Applicant had arranged on several occasions to assess and undertake any repairs. However, the Respondent failed to let the trades people in on several occasions. The last contact from the Respondent was when repairs were due to be undertaken and she contacted to cancel that date. That was on 20th February 2026. The arrears are currently £10,050.
9. The Tribunal asked Ms Collins about the remarks made by the Respondent that she has been labelled as conducting antisocial behaviour. Ms Collins said that she had no information about that and did not consider it to be an issue.
10. Ms Collins said that in terms of personal details, the Respondent is known to live in the Property with her children. She may have a partner living there but this has not been confirmed. It is a semi detached property, possibly three bedrooms. There have been no adaptations made to the Property for the Respondent or her family. There are no known vulnerabilities or disabilities in the household.
11. The Tribunal was satisfied that there were no sufficient issues of reasonableness preventing an order for eviction being granted, in particular as the Respondent was not opposed to the granting of an order for eviction.

Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 1st November 2022.
13. The Respondent has persistently failed to pay her rent charge of initially £620 per month and latterly £695 per month. The rent payments are due to be paid on the nineteenth day of each month.

14. 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 19th January 2024.
15. There are no known outstanding Universal Credit Housing Element issues.
16. Though the Respondent raised that there has been mention of antisocial behaviour by her there has been no evidence lodged to support that she has conducted herself with any antisocial behaviour. The Applicant has not raised it as a matter or instructed his solicitor accordingly. The Tribunal finds that there is no relevance to antisocial behaviour in this case.
17. The Respondent is not opposed to the granting of an order. The Respondent wants to leave the Property.
18. The arrears sought in the conjoined application are £10,050.
19. The Respondents have no known vulnerabilities or disabilities.
20. The issue of reasonableness, while fully considered, was viewed in the context of the action not being opposed. Accordingly, this weighed in the favour of granting the Order.

Decision

21. 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

22nd June 2026

Legal Member/Chair

Date