

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)**

Chamber Ref: FTS/HPC/EV/25/4998

Re: Property at 104 Walker Avenue, Troon, KA10 6RU (“the Property”)

Parties:

Mr Stuart Taylor, 6 Westward Way, Troon, KA10 6TX (“the Applicant”)

Miss Michelle Abate, 104 Walker Avenue, Troon, KA10 6RU (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 2 July 2021 the Applicant let the property to the Respondent.
2. The start date of the tenancy was 2 July 2021.
3. Rent was initially payable at a rate of £525.00 per calendar month. Throughout the tenancy following various rent increases, the rent was ultimately increased to £650.00 per calendar month.
4. Following a payment of rent having been made on 7 May 2025 no further payments were made by the Respondent.
5. A Notice to Leave dated 25 August 2025 was served upon the Respondent. The Notice to Leave intimated that recovery of possession was being sought as the Respondent was in arrears of rent for three consecutive months.

6. On 20 November 2025 an application seeking an Eviction Order was presented to the Tribunal. As at that date, arrears of rent amounted to £3,795.00.
7. A notice in terms of s11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

8. The Applicant was represented by Miss R Brown of Limegreen Estate Agents Limited. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.
9. Miss Brown moved the Tribunal to grant an order for eviction. She advised that, following the application being presented to the Tribunal, no further payments of rent have been received from the Respondent. The arrears of rent now amount to £8,345.00.
10. Limegreen Estate Agents took over the letting responsibilities for the Property of 2nd November 2023. Since they assumed responsibility for the Property, rent was generally paid, although, on most occasions it was slightly late. Following a payment on 7th May 2025, however, no further payments have been received and no reasonable explanation has been provided by the Respondent in relation to the failure to make payment of rent.
11. Miss Brown advised that engagement with the Respondent has been limited since 2025 and it has been difficult to arrange access to the Property for inspections. Correspondence has been forwarded to the Respondent in terms of the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 "PAR"). Various excuses have been provided by the Respondent in relation to the non-payment of rent. The Respondent had advised that she had money stolen from her. She separately advised that her bank card had been stolen. In December 2025 she advised the letting agents that she was travelling to New York for Christmas but would make payment of the rent arrears upon her return. No further payments, however, have been received.

12. Letters in compliance with the PAR were forwarded to the Respondent. Separately, however, monthly notices of rent arrears were forwarded to the Respondent.
13. In relation to the personal circumstances of the Respondent, as far as the letting agents aware, the Respondent is in her early 40s. The tenancy agreement is in her name alone although it is understood that, in the early stages of the tenancy, she had partner who resided at the Property. She has previously advised that her partner no longer resides with her. On occasions when the letting agents have attended to access the Property for inspections there have been toys within the garden area which indicates that there may have been children at the property. It is not known, however, how many children may have been there nor their ages. It is not known whether they reside there permanently or not. It is understood, however, that the respondent resides there herself.
14. It is not known if the Respondent is in employment, although it is understood she is a partner in a business enterprise. She has, however, advised the letting agents that she is not employed.
15. The Respondent advised the letting agents that she had arranged a meeting with a view to obtaining universal credit but, thereafter, no further information was provided to the letting agents about that. It is not known whether the respondent is in receipt of any benefits although it is understood by the letting agents that she is a partner in a business enterprise.
16. It is not known if she is still in occupation of the Property although information suggests that she may have vacated it some time ago. An electrician required to attend at the Property during December 2025. He reported back to the letting agents that the Property appeared to be unoccupied and it looked as if the tenant had been packing up items within the Property.
17. The Property has two bedrooms.
18. Rent has always been paid by the tenant directly. The rental payments have never been received by way of benefits either in whole or in part.
19. The Respondent had stated to the lettings agents on one occasion that she had health issues but those were never specified beyond that.
20. In the circumstances, having regard to:-
- the failure to make payment of rent for a period of one year,
 - the level of arrears which now exist,
 - the lack of engagement by the Respondent with the Applicant or letting agents,
 - the failure of the Respondent to present any submissions to the Tribunal in advance of the case management discussion and
 - the failure by the Respondent to participate in the case management discussion,

the Tribunal determines that it is reasonable to grant an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 of said Act.

Order not to be executed prior to 12 noon on 13th July 2026

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.

Virgil Crawford

5th June 2026

Legal Member/Chair

Date