

Housing and Property Chamber

First-tier Tribunal for Scotland



Decisions with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Refs: FTS/HPC/EV/25/5537 and FTS/HPC/CV/25/5538

Re: Property at 139 Main Street, Camelon, Falkirk FK1 4DT (“the Property”)

Parties:

**Mr James Redfern, 3a Broughton Place, Edinburgh, EH1 3RL (“the Applicant”)
and**

**Bannatyne Kirkwood France & Co, Solicitors, 16 Royal Exchange Square,
Glasgow, G1 3AG (“the Applicant’s Representative”) and**

**Mr Allan MacDonald, 139 Main Street, Camelon, Falkirk FK1 4DT (“the
Respondent”)**

Tribunal Members:

**G McWilliams- Legal Member
A Khan - Ordinary Member**

Decisions

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determines as follows:**

- 1) To grant an eviction order; and**
- 2) To grant an order for payment to the Applicant, Mr James Redfern, by the
Respondent, Mr Allan MacDonald, of the sum of £9800.00, with interest at
the rate of 4% per annum from the date of this decision until payment is
made.**

Background

- 1. These are Applications for an eviction order in terms of Rule 109 (Application for
an eviction order) and for a payment order in terms of Rule 111 (Application for civil
proceedings in relation to a private residential tenancy) of The First-tier Tribunal for
Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017
Rules”).**

Case Management Discussion on 30th July 2026

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10am on 30th July 2026. The Applicant Mr Redfern’s Representative’s Mr J Dean attended. The Respondent, Mr MacDonald, did not attend, was not represented and there was no explanation for his absence. The Tribunal noted that Sheriff Officers had served the papers in respect of both Applications, and the details of the CMD, on Mr MacDonald by posting the relevant documents through the letterbox at the Property on 26th June 2026.
3. Mr Dean referred to the Applications. He stated that Mr MacDonald had not paid any rent since the Applications were lodged in December 2025 and that there are now rent arrears in the sum of £14,700. He acknowledged that an updated rent statement had not yet been submitted to the Tribunal. Mr Dean stated that he did not have any information regarding Mr MacDonald’s personal circumstances and employment position. He asked the Tribunal to grant the orders sought in both Applications.

Findings in Fact and Law and Reasons for Decisions

4. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a private residential tenancy (“PRT”) if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (12) to the 2016 Act provides that it is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.
6. Section 71 of the 2016 Act provides as follows:
 - (1) In relation to civil proceedings arising from a private residential tenancy-
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
 - (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
 - (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.
7. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order and order for payment of unpaid rent against a tenant (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.
8. Having considered all of the Applications’ papers and the oral submission of Mr Dean, the Tribunal find in fact that the Applicant has provided the Tribunal, in the

Application for an eviction order, with copies of the parties' PRT, the Notice to Leave ("NTL") served on Mr MacDonald and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice which was intimated to Falkirk Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (12) in the 2016 Act. The Tribunal further finds in fact that when the NTL was served on Mr MacDonald, on 3rd September 2025, he had been in rent arrears for three consecutive months, and that when both Applications were lodged with the Tribunal's office, in December 2025, Mr MacDonald was in rent arrears of £9800.00. Mr MacDonald is currently in rent arrears in the sum of £14,700.00.

9. In making its findings in fact the Tribunal relied on the documentation within the Applications and on the oral submission of Mr Dean, the terms of which were consistent with the terms of the relevant documentation.
10. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submissions from the Respondent, Mr MacDonald. The papers in respect of both Applications had been served effectively on him on 26th June 2026. He is aware of the important nature of the Applications but has not lodged any representations regarding their merits and the reasonableness of the grant of the orders sought. The Tribunal's office has not received any communications from Mr MacDonald or any representatives or advisers acting on his behalf.
11. Accordingly, the Tribunal find in law that the ground in Schedule 3 (12) (1) of the 2016 Act is met as the Respondent, Mr MacDonald, has been in rent arrears for three or more consecutive months and that it is reasonable that an eviction order be granted. The Tribunal also find in law that Mr MacDonald is obliged to pay rent to the Applicant, in terms of the parties' PRT, and, having not done so consistently, was in rent arrears in the sum of £9800.00 when the Applications were submitted to the Tribunal. The Tribunal therefore find in law that the Applicant, Mr Redfern, is entitled to an order for the Respondent Mr MacDonald's payment to him of the sum of £9800.00. In the Application for the payment order Mr Redfern sought interest. The Tribunal have also decided that it is reasonable to apply interest at the rate of 4% per annum, to the sum ordered, of £9800.00, from the date of this decision until payment is made.

Decisions

12. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr Allan MacDonald, from the Property at 139 Main Street, Camelon, Falkirk FK1 4DT and, also, an order for payment to the Applicant, Mr Redfern, by the Respondent, Mr MacDonald, of the sum of £9800.00 with interest at the rate of 4% per annum from the date of this decision until payment is made.

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.

G.McWilliams

30th July 2026
