

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/26/0579

Re: Property at 35B Bridge Street, Banff, AB45 1HD (“the Property”)

Parties:

Mr George Auld, 34B Bridge Street, Banff, AB45 1HB (“the Applicant”)

Ms Maria Thomson, 35B Bridge Street, Banff, AB45 1HD (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted

Introduction

This eviction application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Intimation of the application and the Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 17 June 2026.

The CMD took place by teleconference on 22 July 2026 at 2.00 pm. The applicant was represented by Mrs Donna Finnie of Walter Gerrard & Co, Solicitors. The respondent failed to participate in the hearing.

Findings and Reasons

The parties entered into a private residential tenancy which commenced on 28 February 2025. The agreed rent in terms of the written lease was £450 per month.

Ground 12 is relied upon, namely that the respondent is in rent arrears over three consecutive months. The notice to leave is dated 23 December 2025. 84 days’ notice

was required. The notice served states an application will not be submitted to the tribunal for an eviction before 23 January 2026. The notice was served upon the respondent by email on 23 December 2025 which is evidenced. Sufficient notice was given.

The application is supported by a rent statement which reflects the arrears of rent relied upon. The tribunal found this unchallenged documentary evidence credible and reliable and attached weight to it. As at the date of application being submitted £3,500 was outstanding. The arrears have now increased to £5,509.30 as at the date of the hearing.

The tribunal was satisfied that more than three consecutive months of rent remains unpaid by the respondent. This establishes ground 12. The tribunal proceeded to consider the issue of reasonableness. It is not reasonable that the applicant is expected to make the property available in the absence of rent being paid.

The respondent resides alone and is believed to be employed. She has no known disabilities or other vulnerabilities. The local authority has been served with a section 11 Homelessness notice having been issued by the applicant. In the event of an eviction order being granted the local authority will make alternative accommodation available to the respondent. The rent arrears pre-action requirements have been complied with.

In all of the circumstances the tribunal determined that it was reasonable to grant the eviction order sought by 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.

Richard Mill

22 July 2026

Legal Member/Chair

Date