

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/25/5476

Re: Property at 31 Tweedholm Ave East, Walkerburn, EH43 6AP (“the Property”)

Parties:

Mr Andrew Daykin, 311, Street 10, Mira 1, Dubai, United Arab Emirates (“the Applicant”)

Ms Jane Marie Cochran, 12 Royal Buildings, Commercial Road, Ladybank, KY15 7JY (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Intimation of the application and of the initial Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 25 June 2026. Sheriff Officers identified that the property has not been occupied by the respondent since October 2025 and the documents were served at an alternative traced address.

The CMD took place by teleconference on 23 July 2026 at 10.00 am. The applicant was represented by Mrs Elizabeth Luckman of Haystoun Property Services. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 31 Tweedholm Avenue East, Walkerburn EH43 6AP. The applicant is Mr Andrew Daykin who is the heritable proprietor and registered landlord. The respondent is Jane Cochran who is the tenant. The parties entered into a private residential tenancy which commenced on 1 July 2024. The rent in terms of the written lease was £525 per month.

The eviction is based upon rent arrears. Ground 12 of Schedule 3 to the 2016 Act applies. 28 days' notice required to be given. The notice to leave was dated 17 November 2025 and stated an application would not be made for an eviction before 17 December 2025. The notice to leave was served on the respondent by email on 17 November 2025. 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 document to be credible and reliable and attached weight to it. As at the date of application being submitted £2,250 was outstanding. The arrears have now increased to £6,100 as at the date of the hearing.

The tribunal was satisfied that more than three consecutive months of rent remains unpaid by the respondent which establishes ground 12. The tribunal considered the issue of reasonableness.

Both neighbours and Sheriff Officers have reported that the respondent has not resided in the property since in or about October 2025. Sheriff Officers served the application at an alternative address being satisfied that the respondent has moved there. On the basis of the evidence before it, the tribunal found that the respondent no longer lives in the property, has abandoned it, and has other accommodation available to her. Despite removing herself she has not terminated the tenancy and has not returned the keys.

The local authority has been served with a section 11 Homelessness notice. If an eviction order is granted the local authority will make alternative accommodation available to the respondent if required.

The rent arrears pre-action requirements have been complied with. It is not reasonable to require the applicant to continue to make the property available in the absence of rent being paid.

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

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

23 July 2026

Legal Member/Chair

Date