

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/25/5450

Re: Property at 1/f Bogwood Road, Mayfield, Dalkeith, EH22 5AD (“the Property”)

Parties:

Mr Grant Henderson, Bellscaigs, Greenshields Road, Biggar, ML12 6RB (“the Applicant”)

Miss Nadine Bentley, 1/f Bogwood Road, Mayfield, Dalkeith, EH22 5AD (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Melanie Booth (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 3 September 2021, the Applicant let the property to the Respondent.
2. The start date of the Tenancy was 5 September 2019.
3. The rent, initially, was £660.00 per calendar month. Throughout the tenancy, the rent was increased, most recently being increased to £761.38 per calendar month.
4. Arrears of rent have existed throughout the entire duration of the tenancy, the only exception being one single occasion on 5 April 2025 when the arrears

were cleared in full. Immediately thereafter, however, arrears again began accruing and steadily increased.

5. Correspondence was forwarded to the Respondent in Compliance with the Rent Arrears Pre-Action Requirements (Coronavirus)(Scotland) Regulations 2020.
6. A Notice to Leave dated 10 November 2025 was served upon the Respondent. This notice intimated that recovery of possession was sought on the basis the Respondent was in arrears of rent with no payments having been received since 21 July 2025. As at that date arrears of rent amounted to £2,836.09.
7. On 18 December 2025, two separate applications were presented to the Tribunal, one seeking an order for eviction (EV/25/4961) and one seeking a payment order in relation to arrears of rent (CV/25/4966). As at that date arrears of rent amounted to £2,948.89.
8. A Notice in terms of s11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

9. The Applicant was represented at the Case Management Discussion by Mr D Wilson of Rentlocally.co.uk Ltd. Another employee of Rentlocally, Mr A Stephenson, attended on behalf of the Applicant also, he having more detailed information in relation to the history of the rent payments. 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.

Eviction Application

10. Mr Wilson moved the Tribunal to grant an order for eviction. He confirmed there remained arrears of rent. As at the date of the case management discussion, arrears of rent amounted to £2,593.55.
11. The Tribunal queried the circumstances in which the arrears of rent had reduced. Mr Wilson confirmed that the housing element of benefits was now being paid directly to the letting agents on behalf the Applicant. £699.35 was being received per calendar month in respect of rent. £40.01 was being received as payment towards arrears. Those payments started on 18th December 2025.

12. Mr Wilson confirmed to the Tribunal that, whilst the rent has previously increased to a figure higher than £699.35, the Applicant had been willing to temporarily accept £699.35 per month on the basis that was the maximum amount the Respondent was able to secure by way of benefits of a contribution towards her rent.
13. Notwithstanding the fact that monthly rental payments were being received directly from the local authority, and that monthly payments were being made towards payment of arrears, an eviction order was still sought.
14. The Tribunal was advised that Respondent is the sole tenant of the Property. It is understood she resides there with a son and a daughter. Her daughter is believed to be between 8 and 12 years old. The letting agents have never, in fact, seen the Respondent's son but it is understood he is of school age also.
15. The property is a two bedroomed, top floor flat. It has not been adapted in any way for the benefit of the Respondent or her children.
16. The Applicant is not aware of any medical issues affecting the Respondent nor her children.
17. The Tribunal enquired in relation to the Respondent's engagement with the Applicant and his letting agents. Mr Stephenson advised that he has had a few conversations with the Respondent. These have tended to be by WhatsApp messaging or email. He advised that during August 2025 the Respondent forwarded a WhatsApp message asking for information which was required to assist her benefits application. The information was provided. Thereafter, there was no further engagement by the Respondent with the letting agents until the following month when the same information was requested. On other occasions the Respondent would email for certain information. A response would be provided but there would be no further engagement thereafter. The most recent engagement with the Respondent was on 26 March 2026. A routine inspection of the Property was to be arranged. The Respondent replied suggesting that the inspection could take place on the following Monday. She did allow access on that Monday.
18. The Applicant is a retired man. He has one other property which is rented out by him. Mr Wilson did not have full financial information relating to the Applicant.
19. In relation to the reasonableness, Mr Wilson advised the Tribunal that, whilst it is accepted that rent payments are being made at present, the history of the tenancy indicates that there have continually been problems with the rental payments being made or maintained. There have been arrears of rent throughout almost the entirety of the tenancy. There remains a significant level of arrears which are only being reduced by a small amount each month. Having regard to the history of the tenancy, the level of arrears, the length of time it would take to clear the arrears and the failure of the Respondent to engage with the Tribunal process, it was submitted that it was reasonable that an order for eviction be granted.

Payment Action

20. In relation to the payment action, the arrears of rent, as the date of the Case Management Discussion, amounted to £2,593.55. A payment order in that amount was sought.

Discussion

21. In relation to the payment action, having regard to the failure of the Respondent to participate in the Case Management Discussion, and in the absence of any representations being presented to the Tribunal beforehand and having regard to the Upper Tribunal decision of *Woro v Brown* 2022 SLT (Tr) 97 the Tribunal granted an order for payment in the sum of £2,593.55.

22. In relation to the eviction application, having regard to the failure of the Respondent to participate in the Case Management Discussion, the failure of the Respondent to provide any written submissions to the Tribunal in advance of the Case Management Discussion, the lengthy history of arrears of rent, dating back to the commencement of the tenancy, the level of arrears existing as the date of the Case Management Discussion and the limited information available to the Tribunal in relation to the personal circumstances of the Respondent, the Tribunal considered it reasonable to grant an order for eviction.

FINDINGS IN FACT

23. The Tribunal found the following facts to be established:-

- a) As at the 22 May 2026, an amount of not less than £2,593.55 is due, resting and owing by the respondent to the Applicant.
- b) By Lease dated 3 September 2021, the Applicant let the property to the Respondent.
- c) The start date of the tenancy was 5 September 2019.
- d) The rent initially was £660.00 per calendar month. Throughout the tenancy, the rent was increased, most recently being increased to £761.38 per calendar month.
- e) Arrears of rent have existed throughout the entire duration of the tenancy, the only exception being one single occasion on 5 April 2025 when the arrears were cleared in full. Immediately thereafter, however, arrears again began accruing and steadily increased.
- f) As at 10th November 2025 arrears of rent amounted to £2,836.09. As at the date of the Case management Discussion arrears amounted to £2,593.55.
- g) While payments were now being received each month these were less than the monthly rent due.
- h) Correspondence was forwarded to the Respondent in Compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020.
- i) A Notice to Leave dated 10 November 2025 was served upon the Respondent. This notice intimated that recovery of possession was sought on the basis the Respondent was in arrears of rent with no payments having been received since 21 July 2025. As at that date arrears of rent amounted to £2,836.09.

- j) A Notice in terms of s11 of the Homelessness etc. (Scotland) Act 2003 was intimated to the local authority.

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 to said Act

Order not to be executed prior to 12 noon on 29th June 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

Legal Member/Chair

22nd May 2026

Date