



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/3166

Re: Property at 24 Old Duloch Court, Dunfermline, Fife, KY11 8ZU (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Centre, Pentland Drive, Glenrothes, KY6 2DA (“the Applicant”)

Miss Chelsi Bissett, 24 Old Duloch Court, Dunfermline, Fife, KY11 8ZU (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory process and the Ground for recovery of possession having been established, it is reasonable to grant the Order sought.

Background

1. By application dated 23 July 2025 ("the Application"), the Applicant's Agents applied to the Tribunal for an Order for eviction based on Ground 12 of Schedule 3 to that Act. The Application comprised the following: i) copy private residential tenancy agreement between the Parties and an entry date of 18 January 2023 at an initial rent of £481.62 per month; ii) copy Notice to Leave in terms of Ground 12 of Schedule 3 to the Act dated 15 January 2025 with proof of issue; iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Fife Council being the relevant local authority; iv) copy statement of rent due and owing amounting to £2,453.83 as at July 2025; v) copy pre-action requirement. The Application was conjoined with application FTS/HPC/CV/25/3171 between the same Parties seeking an Order for payment.

First and Second Case Management Discussions (CMD).

2. Case Management Discussions were held on 23 January 2026 and 9 April 2026 both by telephone conference. At both CMDs, the Applicant was represented by the Applicant's Agents and the Respondent, Ms. Bisset, took part on her own behalf.
3. The outcome of the first CMD was that the Tribunal adjourned the CMD to allow Ms. Bisset to make enquiries with the DWP and advice agencies with a view to reducing her debt, with the Tribunal advising Ms. Bisset that she should keep in touch with the Applicant in respect of her progress.
4. The outcome of the second CMD was that the Tribunal, at the Applicant's request, adjourned the CMD to allow Ms. Bisset to enter into a payment plan with the Applicant.

Third CMD

5. The third CMD took place on 31 July 2026 at 10.00 by telephone. The Applicant was not present and was represented by Mrs. Mullen of the Applicant's Agents. The Respondent was not present and was not represented.
6. Mrs. Mullen advised the Tribunal that Respondent, Ms. Bisset, had given notice to the Applicant to terminate the tenancy, The Applicant, therefore, sought an Order to protect its position in the event that Ms. Bisset failed to remove from the Property.
7. With regard to the level of arrears, Mrs. Mullen advised that these now stood at £2,716.97.

Findings in Fact

8. From the Application and the CMDs, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties;
 - ii) The correct statutory procedure has been carried out;
 - iii) The Respondent was in rent arrears for three or more consecutive months at the date of issue of Notice to Leave;
 - iv) The Respondent is in rent arrears to the extent of £2,716.97, being three or more consecutive months, at the date of the Third CMD;
 - v) The Respondent has given notice to terminate the tenancy.

Rule 17 (4) of the Rules

9. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussionincluding making a decision*". The Tribunal took the view that it had sufficient information to make a decision.

Issue for the Tribunal

10. The statutory procedure and Ground being established and the Application not being opposed, the issue for the Tribunal was to determine if it is reasonable to grant the Order. The Tribunal took the view that it had sufficient information to make a decision on reasonableness.

Decision and Reasons for Decision

11. The Tribunal must establish, consider and properly weigh the “whole of the circumstances in which the application is made” (Barclay v Hannah 1947 S.C. 245 at 249 per Lord Moncrieff) when deciding whether it is reasonable to grant an order for possession.
12. The Tribunal had regard to the Applicant’s position that it is entitled to payment of rent and noted that attempts had been made to reach payment plans with Ms. Bisset without full success.
13. The Tribunal noted that Ms. Bisset does not oppose the Application and has now terminated the tenancy. The Tribunal had regard to the Applicant’s position that it requires the eviction order to ensure recovery of possession of the Property in the event that Ms. Bisset fails to remove. The Tribunal considered this to be fair and reasonable in the circumstances.
14. The Tribunal was satisfied that, if Ms. Bisset failed to remove from the Property at the termination date and was evicted and made homeless, she and her family would have protection in terms of Part II of the Housing (Scotland) Act 1987 and so would be able to access advice and assistance to secure accommodation suitable to their needs.
15. Accordingly, the Tribunal was satisfied that it is reasonable to issue an eviction Order.

16. This decision is unanimous.

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.

Karen Moore

Legal Member/Chair

31st July 2026

Date