

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/26/0097

Re: Property at 20 Caprington Avenue, Kilmarnock, East Ayrshire, KA1 4SY (“the Property”)

Parties:

Easton Richmond Limited, 2 Newfield Drive, Dundonald, South Ayrshire, KA2 9EW (“the Applicant”)

Ms Lisa McDonald, 20 Caprington Avenue, Kilmarnock, East Ayrshire, KA1 4SY (“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

1. These are linked applications. The first application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The second application seeks a payment order relating to arrears of rent and is under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. Service of the applications and intimation of the Case Management Discussions (CMDs) was effected by Sheriff Officers on the respondent on 29 June 2026. Representations were received on behalf of the respondent on 16 and 28 July 2026.
3. The CMD took place by teleconference on 30 July 2026 at 2.00 pm. The applicant was represented by Ms Aynsley Barclay of Easton Housing Limited.

The respondent joined and was represented by Mr Gerard Tierney of Ayr Housing Aid Centre.

Findings and Reasons

4. The property is 20 Caprington Avenue, Kilmarnock, East Ayrshire KA1 4SY. The applicant is Easton Richmond Limited who is the heritable proprietor and registered landlord. The respondent is Ms Lisa McDonald who is the tenant. A private residential tenancy was entered into between the parties which commenced on 1 April 2023. The rent stipulated was £530 per month.
5. The respondent has fallen into significant arrears of rent throughout the subsistence of the short duration of the lease. When the applications were submitted to the Tribunal, rent arrears were £5,824.94. The arrears are evidenced by an unchallenged credible and reliable detailed rent statement which the Tribunal attached significant weight to.
6. The applicant is entitled to recover arrears of rent due under and in terms of the written lease between the parties. The Tribunal therefore granted a payment order against the respondent in the sum of £5,824.94. There is no opposition by the respondent and no time to pay direction application has been made by the respondent as she cannot make a realistic offer to repay the arrears.
7. The eviction is based upon the arrears of rent and the ground relied upon is ground 12, contained within Part 1, Schedule 3 to the 2016 Act, namely that the respondent is in rent arrears over three consecutive months.
8. The Tribunal found that the Notice to Leave upon which the eviction application proceeds is valid. It is dated 22 October 2025. This states that an application will not be submitted to the Tribunal for an eviction before 22 November 2025. The Notice is compliant with the requirements set out in Section 62 of the Act. It is also noted that there is evidence that the Notice was emailed on 22 November 2025. Sufficient statutory notice was given.
9. The Tribunal was satisfied that more than three consecutive months of rent was outstanding at the time that the Notice to Leave was served and also remains unpaid by the respondent. This establishes ground 12. The Tribunal proceeded to consider the issue of reasonableness.
10. The applicant is adversely affected financially by the absence of rent being paid. The rent arrears are significant. It is unreasonable to require the applicant to continue to provide accommodation to the respondent in the absence of full rent being paid. The Rent Arrears Pre-Action Requirements have been adequately fulfilled by the applicant.
11. The respondent does not oppose the eviction. She has some health issues. She lives in the property alone with her pets. She is in employment. The local authority has been served with a section 11 Homeless notice. In the event of an eviction order being granted the local authority has an obligation to make alternative accommodation available to the respondent.

12. In all of the circumstances, the Tribunal determined it was reasonable to grant the eviction order sought by the applicant. It was agreed by parties that implementation should be delayed by three months.

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.

30 July 2026

Legal Member/Chair

Richard Mill

Date