



**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/26/1482

**Re: Property at 41 Strathbeg Drive, Dalgety Bay, Dunfermline, Fife, KY11 9XQ
("the Property")**

Parties:

**Jill Patricia Wilkie, 21 Glamis Gardens, Dalgety Bay, Fife, KY11 9TD ("the
Applicant")**

**Megan Lauren Bolton, 41 Strathbeg Drive, Dalgety Bay, Dunfermline, Fife,
KY11 9XQ ("the Respondent")**

Tribunal Members:

Alison Kelly (Legal Member) and Elizabeth Williams (Ordinary Member)

Background

1. On 2nd April 2026 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 ("The Rules"), seeking an order to evict the Respondent from the property under Ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 24th October 2024 and a rent of £975 per month;
 - ii. Copy Notice to Leave dated 24th February 2026;
 - iii. Copy email dated 24th February 2026 to the Respondent serving the Notice to Leave;
 - iv. Section 11 Notice and proof of service;
 - v. Copy Rent Statement showing arrears of £2937.50 as at 24th February 2026;
 - vi. Pre Action Requirements emails
3. The Application was served on the Respondent by Sheriff Officers on 29th July 2026.

4. On 18th August 2026 the Applicant's agent lodged an up to date rent statement showing the arrears to 24th July 2026 of £7812.50 and applied to amend the sum sought to that amount.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place on 1st September 2026 by teleconference. The Applicant was represented by Miss Wooley of Bannatyne, Kirkwood & France, Solicitors. There was no attendance by the Respondent or any representative on her behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
7. Miss Wooley sought an order for eviction in terms of ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. She said that the arrears now stand at £8787.50 and the Respondent has not made any payment towards rent since the Notice to Leave was served on 24th February 2026.
8. The Tribunal were satisfied that the ground had been established, and asked Miss Wooley to address the Tribunal on reasonableness. Miss Wooley said the Respondent lives in the property with her daughter, but she has no information about the daughter's age. The Respondent is believed to be in part time employment and has no known health condition that might be causing difficulty with dealing with the rent. She is not known to have applied for any benefits. She said that when the Respondent first got in to arrears she entered in to a payment plan with the Applicant but did not stick to it. She is still in the property and there was recent contact regarding arranging an inspection.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 24th October 2024 and a rent of £975 per month;
- b. A Notice To Leave, dated 24th February 2026, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Applicant complied with the Pre Action Requirements;
- e. The Application was served on the Respondent by Sheriff Officers on 29th July 2026;
- f. The arrears at the time the Notice to Leave was served were £2937.50;
- g. No rent has been paid since the Notice to Leave was served;
- h. The current arrears are £8787.50;
- i. The Respondent previously entered in to a payment plan but did not adhere to it;
- j. The Respondent lives in the property with her daughter;

- k. The Respondent is not known to have applied for any benefits;
- l. The Respondent is not known to have any health conditions.

Reasons for Decision

9. Ground 12 states as follows:

12(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and

(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

(5) For the purposes of this paragraph—

(a) references to a relevant benefit are to—

(i) a rent allowance or rent rebate under the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971),

(ii) a payment on account awarded under regulation 91 of those Regulations,

(iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,

(iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,

(b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.

(6) Regulations under sub-paragraph (4)(b) may make provision about—

(a) information which should be provided by a landlord to a tenant (including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy),

(b) steps which should be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,

(c) such other matters as the Scottish Ministers consider appropriate.

10. The Tribunal is satisfied that the ground has been met as the rent has been in arrears for three or more consecutive months.

11. The Tribunal also considers that it is reasonable to grant the order. The arrears amount to nine months rental payments, which makes it reasonable in and of itself to grant the order. In addition the Respondent has had numerous opportunities to deal with the arrears but has not been in touch with the Applicant or the Tribunal to take advantage of those opportunities.

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.

Alison Kelly

Legal Member/Chair

1st September 2026

Date