



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under section 18 of the Housing (Scotland)
Act 1988 (“the 1988 Act”)**

Chamber Ref: FTS/HPC/EV/26/1505

Re: Property at 16 Charleston Road, Glamis, DD8 1RY (“the Property”)

Parties:

**Ms Yvelynne Dick, 16A Bank Street, Arbroath, DD11 1RH, represented by Messrs
Thorntons, solicitors (“the applicant”)**

**Ms Heather Newhouse, 16 Charleston Road, Glamis, DD8 1RY (“the
respondent”)**

Tribunal Members:

Maurice O'Carroll (Legal Member) and Mary Lyden (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order for Eviction should be granted**

Background

1. An application for an Eviction Order was submitted to the Tribunal on 2 April 2026. At the request of solicitors acting for the applicant, the Eviction Order application was conjoined with an application for payment dated 10 April 2026 under application reference CV/26/1602. The civil recovery application is the subject of a separate written decision.
2. A Case Management Discussion (CMD) was held by telephone on 7 September 2026 at 10am. The applicant was represented on the call by Mr Calvin Gordon of Messrs Thorntons, solicitors. The respondent did not attend on the call and was not represented. The case file showed that the claimant was served with notice of the hearing and case papers at the Property by Sheriff Officers on 30 July 2026.

3. Accordingly, the Tribunal was satisfied that the Respondent had been provided with adequate notice of the CMD and decided to proceed in her absence as permitted in terms of the rules. Any action that may be taken at a full hearing may also be done at a CMD including the granting of Orders.
4. The CMD was convened in order to consider the application for an eviction Order. The application was made under rule 65 and in terms of section 18 of the 1988 Act given that the rental agreement was a short assured tenancy. There were three grounds for repossession put forward on the application. However, at the invitation of the Tribunal, Mr Gordon was content to proceed on the basis of Ground 12, non payment of rent.
5. A deadline of 19 August 2026 for written representations had been set for the parties further to the Application. Neither party submitted further representations.

The Case Management Discussion

6. As the Respondent did not attend the CMD or provide any prior written submissions, evidence was provided solely by that applicant's representative.
7. The Applicant is the owner of the Property and is the landlord under a tenancy agreement with the Respondent which commenced on 1 November 2014. The rent was initially £500 per calendar month but had been reduced to £250 per calendar month from about January 2015 as the applicant's brother is the respondent's partner living with her.
8. The Applicant's representative, Mr Gordon, confirmed the details of the schedule of unpaid rent provided to the Tribunal. The schedule demonstrated that rent had been unpaid for the months running continuously from December 2020 until April 2026, a total of 64 months amounting to £26,415. Rent had not been paid between the date of the schedule and the date of the hearing, but Mr Gordon explained that the applicant did not consider it worthwhile to provide an update.
9. Mr Gordon provided information that he thought that the respondent was in employment and that she was in receipt of some State benefits, but he had no details in respect of either of these matters. Mr Gordon was unaware of whether the respondent had raised any difficulties with the applicant in respect of benefit payment receipts. As noted above, no details were provided by the respondent despite being invited to do so by the Tribunal.

Findings in fact

10. The parties entered into a short assured tenancy as noted above. The rent due under it was £250 per calendar month throughout the relevant period.
11. The Respondent has not paid any rent since December 2020 until the date of the hearing. The requirements of Ground 12 have therefore been met.

12. The pre-action requirements for eviction proceedings have been complied with by the Applicant. The Respondent was validly served with a Notice to Leave on 27 October 2025. A copy of the Notice to Leave was duly served on the local authority in accordance with the terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 on 2 April 2026.
13. No explanation for non-payment having been provided by the respondent to the applicant. No explanation for non-payment or any reasons why an Order for Eviction should not be granted was provided to the Tribunal.

Reasons for decision

14. In the absence of any explanation for non-payment of rent, or any reason why eviction should not be ordered, the Tribunal decided to exercise its discretion to grant an Order for Eviction.

Decision

15. The Tribunal therefore grants the Order for Eviction sought which is appended to the present decision. The Order may not be executed prior to 8 October 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.

Maurice O'Carroll

7 September 2026

Legal Member/Chair

Date