



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/2539

Re: Property at 39 Forth Crescent, Dundee, DD2 4JB (“the Property”)

Parties:

PME Homes Ltd, 1 Faraday Court, Dundee, DD2 3UD (“the Applicant”)

Miss Rhianne Jane McCabe, 39 Forth Crescent, Dundee, DD2 4JB (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted.

- **Background**

1. An application was made under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.

2. The application contained: - a. the tenancy agreement, b. the notice to leave with evidence of service c. section 11 Notice with evidence of service d. rent statement

3. A case management discussion took place on 9 February 2026 and then on 24 March 2026. At neither of those hearings did the Respondent attend.

4. It was noted that from the case management discussion on 24 March to the case management discussion on 7 September 2026 that arrears of rent had increased from £1661.26 to £1840.00

5. Rent was now payable at the rate of £575.00 per calendar month. The Respondent had universal credit paying rent but there was a shortfall each month. The Applicant's agent had not been able to engage with the Respondent despite repeated efforts to do so. The agents had attended at the property some months previously and had been allowed entry via a male. The Respondent was not present and it was not clear whether she was still living at the property.

- The Case Management Discussion

At the case management discussion the Applicant's agent Mr Hutchison attended along with two of his colleagues. There was no appearance by or for the Respondent.

- Findings in Fact

1. The parties entered into a private residential tenancy agreement for the rental of the property dated 23 May 2018.
2. Rent at the time of the commencement of the agreement was £450 per month.
3. At 10 June 2025 rent arrears had accrued in the sum of £1711.43 over a period of more than 3 consecutive months.
4. At 7 September 2026 the rent arrears had increased to £1840. Rent arrears had been present for significantly more than 12 consecutive months.

- Reasons for Decision

The Tribunal did not benefit from any representations from the Respondent. She had not attended any of the case management hearings. She had not provided any written representations.

The tribunal accepted the information provided by the Applicants's agent. The Respondent had been in rent arrears for more than 3 consecutive months at the time when the application was lodged in June 2025. She was due then the sum of £1711.43. At the time of the case management discussion on 7 September 2026 the arrears of rent had increased to £1840 and the Respondent had been continuously in arrears of rent for more than 12 months.

It also appeared as if the Respondent may not be living at the property following upon the Applicant's agent visit to the property. The Applicant's agent had also tried to make contact with the Respondent without success.

There was no information provided by the Respondent as to reasonableness of the order.

- Decision

To grant an order of eviction.

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.

Mark Thorley

7th September 2026

Legal Member/Chair

Date