

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

Chamber Ref: FTS/HPC/EV/26/1220

**Re: Property at 21 Flat C, Bon Accord Street,, Aberdeen, AB11 6EA (“the
Property”)**

Parties:

**Hamilton Residential Limited, Unit 2, The Galleria, Bonn Accord Street,
Aberdeen, AB11 6FB (“the Applicant”)**

**Mr Joshua Owen Crofts, 21 Flat C, Bon Accord Street, Aberdeen, AB11 6EA
 (“the Respondent”)**

Tribunal Members:

Lauren Rae (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

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

1. By application dated 12 February 2026 the Applicant sought an order for eviction of the Respondent in terms of section 51 of the Private Residential (Tenancies) (Scotland) Act 2016 (“2016 Act”) and schedule 3, ground 12 thereof.
2. The application was accompanied by:-
 - (i) Private Residential Tenancy dated 29 January 2025;
 - (ii) Notice to leave dated 16 December 2025;
 - (iii) Section 11 notice in terms of the Homelessness etc (Scotland) Act 2001;
 - (iv) Rent statement;
 - (v) Correspondence between the parties

3. The application was accepted for determination on 10 June 2026 and conjoined with a civil application for payment of arrears (FTS/HPC/CV/26/0218).
4. A case management discussion ("CMD") was scheduled for both cases on 8 October 2026 at 2pm. Both parties were notified of the date and time of the CMD. The case papers were served on the Respondent by Sheriff Officers on 12 August 2026.

The CMD

5. The CMD took place on 8 October 2026 at 2pm via telephone conference. The Applicant was represented by Ms Dawn Newall, letting agent. Ms Newall was accompanied by Mr Tom Sutherland, director of the Applicant. There was no appearance by or on behalf of the Respondent.
6. Ms Newall advised the Tribunal that as at the date of the CMD, the arrears had risen to £9,650. The Respondent had not made any payments towards the ongoing rent or to address the arrears. The last payment from the Respondent was 30 September 2025. Ms Newall advised that numerous attempts had been made to try to address the arrears which included the Respondent offering a payment plan of £50 per month, which was not adhered to.
7. Under questioning by the tribunal, Ms Newall advised that she did not know much information about the Respondent's personal circumstances. She advised that the Respondent had a daughter, whose age was unknown, and she believed he exercised occasional contact with her. At the commencement of the tenancy, the Respondent was believed to be in employment but was now believed to be unemployed.

Findings in Fact

8. The Applicant is the heritable proprietor of the Property registered in the Land Register of Scotland under title number ABN115898.
9. The Applicant is the landlord and the Respondent is the tenant in private residential tenancy dated 29 January 2025 which commenced on 31 January 2025.
10. The agreed monthly rent was £650.
11. The Applicant issued a notice to leave by to the Respondent dated 16 December 2025 seeking an order for ejection under schedule 3, ground 12 of the 2016 Act. The notice to leave was issued via both email and recorded delivery.
12. The Respondent received the notice to leave.

13. The Applicant emailed a section 11 notice in terms of the Homelessness Etc (Scotland) Act 2001 to the local authority on 23 April 2026.
14. As at the date of the application, the Respondent was in rent arrears in the sum of £4,450.
15. As at the date of the CMD, the Respondent was in rent arrears in the sum of £9,650.
16. The Respondent last paid rent on 30 September 2025.
17. The Applicant, via its letting agent, attempted to engage with the Respondent to address the arrears without success.
18. The rent arrears were not because of any delay or failure in payment of a relevant benefit.

Reasons for Decision

19. Ground 12 of Schedule 3 of the Act provides that it is an eviction ground if the tenant has been in rent arrears for three or more consecutive months. The Tribunal may find that this applies if for three or more consecutive months the tenant has been in rent arrears and the Tribunal is satisfied that it is 3 reasonable on account of that fact to issue an eviction order. The Tribunal is satisfied that Ground 12 has been established.
20. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider whether the tenant's being in arrears of rent over that period is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. There was no information before the Tribunal that the Respondent was in rent arrears as a result of a delay or failure in the payment of a relevant benefit.
21. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations. The Tribunal was satisfied on the evidence before it that the Applicant has complied with the pre-action protocol and had attempted to engage with the Respondent without success.
22. The Respondent has accrued significant arrears of rent. The last rent payment made by the Respondent was 30 September 2025. Insofar as the Applicant is aware, the Respondent lives in the Property alone with occasional contact with his daughter, whose age is unknown. The Respondent's employment status is unknown to the Applicant but he is believed to be unemployed.
23. In all the circumstances, it was reasonable to grant the order for eviction.

24. The decision of the tribunal was unanimous.

Decision

The tribunal granted the order for 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.

Lauren Rae

Legal Member/Chair

8 October 2026
Date