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/26/1274

Re: Property at 7 Morningside Grove, Aberdeen,, AB10 7DJ ("the Property")

Parties:

Mr Scott Craig, 53 Irvine Place, Aberdeen, AB10 6HF ("the Applicant")

Mr Rodrigo Torrejon, 7 Morningside Grove, Aberdeen, AB10 7DJ ("the Respondent")

Tribunal Members:

Alison Kelly (Legal Member) and Donald Wooley (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 made.

Background

1. On 19th March 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 7th May 2021;
ii. Copy Notice to Leave dated 13th February 2026;
iii. Copy email to the Respondent serving the Notice to Leave;
iv. Section 11 Notice and proof of service;
v. Copy Rent Statement showing arrears of £3250 as at 13th February 2026;
vi. Pre Action Requirements emails

3. The Application was served on the Respondent by Sheriff Officers on 24th August 2026.

4. On 2nd September 2026 the Respondent lodged a Written Representation. He asked the tribunal to refuse the application on the grounds of reasonableness or alternatively delay the effect of any order granted. He explained that he had a parent visa without any recourse to public funds, had lost his job and been unable to find another one, and had no income to allow him to pay the rent. He said that he has two children who spend weekends and school holidays with him, and it would affect the time he spent with them if he was evicted.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss Charleton and Mr Strachan of Capital Letters Letting Agents. There was no attendance by the Respondent or any representative on his behalf.

6. The Tribunal was satisfied that the Respondent had received proper notice of the CMD, as evidenced by the fact that he had lodged a Written Submission. The Tribunal was content to proceed in his absence.

7. 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.

8. Miss Charleton sought an order for eviction in terms of ground 12 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 21016. She said that the current rent arrears stood at £7800. No rent has been paid in a year. She was not aware of the personal circumstances of the Respondent and could not confirm the veracity of his submission.

9. Miss Charleton said that the Applicant had two investment properties. He was not currently deriving any benefit from this one as he had been a year without rent but continued to be liable for the factor's fees and had carried out repairs including providing a new washing machine.

Findings in Fact

a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 7th May 2021;
b. A Notice To Leave, dated 13th February 2026, was served timeously and correctly;
c. A section 11 notice was served on the local authority;

d. The Application was served on the Respondent by Sheriff Officer on 24th August 2026;
e. The Applicant complied with the Pre Action Requirements;
f. No rent has been paid by the respondent in a year;
g. At the time the Notice to Leave was served the rent arrears were £2600;
h. At the time the application was lodged the rent arrears were £3250:
i. The current rent arrears are £7800.

Reasons for Decision

10. 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.

11. The Tribunal is satisfied that the Respondent has been in rent arrears for three or more consecutive months and that it is not as a result of failure or a delay in paying a relevant benefit. The Tribunal is satisfied that the Applicant complied with the pre action requirements.

12. The rent arrears currently stand at £7800, which is almost one year's rent, and the Tribunal considers that the level of arrears in and of itself makes it reasonable to grant the order.

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 J Kelly — 3 November 2026

Legal Member/Chair — **Date**