



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/25/1349

Re: Property at 28D St. John Street, Perth, PH1 5SP (“the Property”)

Parties:

Mr Mark Hudson, tigh Na Sgoill Weem, Aberfeldy, PH15 2LD (“the Applicant”)

Miss Amy MacQueen Mill, 28D St. John Street, Perth, PH1 5SP (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

At the Case Management Discussion (“CMD”), which took place by telephone conference on 25 September 2025, the Applicant was present and was represented by Mr John McKeown of Jackson Boyd, Solicitors, Glasgow. The Respondent was also present.

Prior to the CMD the Tribunal had received from the Applicant’s agent by email dated 11 September 2025 a Rent Statement as at that date.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that -

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 1 November 2019.
- iii. The rent payable in terms of the PRT was agreed to be £550 per calendar month.
- iv. On 20 February 2025, the Applicant served on the Respondent by email a Notice to Leave warning of eviction proceedings after 24 March 2025 on the basis that rent arrears had accrued over three consecutive months.
- v. As at the date of the Notice to Leave being served the arrears accrued were £3,503.

- vi. The Applicant served on Perth & Kinross City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vii. The Applicant has served on the Respondent a communication to comply with the Scottish Government's pre-action protocols.

The CMD

At the CMD the Tribunal began an initial discussion with Mr McKeown. The Respondent interrupted to ask how long the CMD would take. She said she was at work. The Tribunal stated that the CMD would take as long as was necessary. She said she wanted an eviction order granted and had been waiting for that to happen, she said the Tribunal should go through its process but she was already packed and had to get back to work. She promptly hung up.

The Tribunal resumed its discussions with Mr McKeown and the Applicant who stated:-

- i. The arrears had now accrued over a period of 12 months and stood at £7,353.
- ii. The Applicant believed the Respondent had 2 children, he was not sure of their ages and believed they may have left the Property.
- iii. The Applicant was not sure if there were any disabilities affecting the Respondent but there are no adaptations to the Property.
- iv. The Applicant was not aware of there being any benefit payments to the Respondent.
- v. The Property has 2 bedrooms and measures approximately 58 square metres.
- vi. The Applicant has one other rental property in Oban.
- vii. The Applicant is close to retirement.
- viii. The Applicant seeks an eviction order.

Findings in Fact

The Tribunal made the following findings in fact:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 1 November 2019.
- iii. The rent payable in terms of the PRT was agreed to be £550 per calendar month.
- iv. On 20 February 2025, the Applicant served on the Respondent by email a Notice to Leave warning of eviction proceedings after 24 March 2025 on the basis that rent arrears had accrued over three consecutive months.
- v. As at the date of the Notice to Leave being served the arrears accrued were £3,503.
- vi. The Applicant has served on Perth & Kinross City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vii. The Applicant has served on the Respondent a communication to comply with the Scottish Government's pre-action protocols.
- viii. The arrears had now accrued over a period of 12 months and stood at £7,353.
- ix. There are no adaptations to the Property.
- x. The Applicant has one other rental property in Oban.
- xi. The Applicant is close to retirement.

Reasons for Decision

The factual background narrated by the Applicant within the application papers and orally by him and Mr McKeown at the CMD was not challenged by the Respondent and was accepted by the Tribunal.

The Tribunal considered whether or not it would be reasonable to grant an eviction order and determined that it is reasonable to grant an eviction order under Ground 12 of Schedule 3 of

the 2016 Act on the basis that the rent arrears have accrued over a prolonged period and are substantial.

Decision

The Tribunal granted an eviction order in favour of the Applicant.

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.

Gillian Buchanan

Legal Member/Chair

25 September 2025
Date