



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/2397

Re: Property at 6 Chapel Street, Forfar, DD8 2AB (“the Property”)

Parties:

Mr Michael Voice, Mrs Sally Voice, Gamekeepers Cottage, Balhary, Alyth, PH11 8LT (“the Applicants”)

Mr Daniel Cormie, 6 Chapel Street, Forfar, DD8 2AB (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an eviction order should be granted in favour of the Applicants against the Respondent. The Tribunal delayed execution of the order until 12 January 2026.

1. An application was received on 5 June 2025 from the Applicants’ solicitor under Rule 109 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (‘the 2017 rules’) seeking recovery of the property under Ground 12 (rent arrears) as set out in Schedule 3 of the 2016 Act. The Applicants also made a civil proceedings application (reference no: FTS/HPC/CV/25/2398) for a payment order under rule 111 of the 2017 rules in respect of the outstanding rent arrears.
2. Attached to the application form were:
 - (i) Copy private residential tenancy agreement between the first Applicant and Mr Alan Hampton and the Respondent, which commenced on 19 July 2023.

- (ii) Copy Notice to Leave dated 26 March 2025 citing ground 12, and stating the date before which proceedings could not be raised to be 1 May 2025, together with certificate of service by sheriff officer dated on the Respondent on 31 March 2025.
 - (iii) Rent statement showing the Respondent's outstanding rent arrears to be £5150 as at 5 June 2025.
 - (iv) Copy notice to Angus Council under section 11 of the Homelessness etc. (Scotland) Act 2003 with email acknowledging receipt dated 4 June 2025.
 - (v) Copy pre-action requirements letter dated 13 March 2025 sent by the Applicants' solicitor to the Respondent.
3. The application was accepted on 5 July 2025. A direction was issued to the Applicants on the same date, asking them to provide a more detailed rent statement and a written explanation as to why the tenancy agreement named Alan Hampton as a joint landlord by 31 July 2025. A response to the direction was received from the Applicants' solicitor on 31 July 2025.
 4. Notice of the case management discussion (CMD) scheduled for 12 November 2025, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 8 October 2025. The Respondent was invited to submit written representations by 27 October 2025.
 5. No written representations were received from the Respondent prior to the CMD.

The case management discussion

6. A CMD was held by teleconference call on 12 November 2025 to consider both the eviction application and the conjoined civil proceedings application (reference no: FTS/HPC/CV/25/2398). The Applicants were represented by Mr Ritchie McNeil of MML Law.
7. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. He did not join the teleconference call, however, and no telephone calls, messages or emails had been received from him.
8. The Tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. It therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicants

9. Mr McNeil asked the Tribunal to grant an eviction order in favour of the Applicants against the Respondent. The Respondent owed significant rent arrears, which now stood at £8400. He had not paid any rent since December 2024. The Applicants believed that he was still living at the property, although there had been no contact from the Respondent since January 2025.
10. The Applicants' letting agent, Pavilion Properties, had contacted the Respondent by email each month regarding the arrears, prior to the sending of the pre-action requirements letter of 13 March 2025. They had also visited the property but there had been no sign of the Respondent.
11. Mr McNeil was unsure how many other properties were owned by the Applicants, although he believed that Mrs Voice may own some other rental properties. There is no mortgage over the property, although the Applicants are incurring other monthly costs in relation to the property, such as insurance and letting agent fees. The property itself was formerly part of a larger property which had been subdivided into 3 properties.
12. Mr McNeil said that he did not know much about the Respondent's circumstances. He believed that the Respondent is aged between 20 and 35, and lives in the property alone. It was his understanding that the Respondent was in employment and had previously been paying the rent from his own funds. He did not believe that the Respondent was in receipt of benefits, and was unaware of any issues with a delay or failure in the payment of benefits. The Respondent did not have any health issues or disabilities to his knowledge.

Findings in fact

13. The Tribunal made the following findings in fact:
 - The Applicants are the owners and registered landlords of the property.
 - A private residential tenancy agreement was entered into between the first Applicant, Mr Michael Voice and Mr Alan Hampton, and the Respondent, which commenced on 19 July 2023.
 - At the time when the private residential tenancy agreement commenced, the Applicants owned a one half pro indiviso share of the property between them. The other half was owned by Mr Hampton.
 - On 26 October 2023, the other half share of the property was transferred to the Applicants by Mr Hampton. They did not issue an amended tenancy agreement to the Respondent following this change in ownership.

- The rent payable under the tenancy agreement is £650 per calendar month, payable in advance on the 19th day of each month.
- The Notice to Leave was validly served on the Respondent by sheriff officer on 31 March 2025.
- The Respondent has been in rent arrears continuously since February 2024.
- The Applicants have complied with the pre-action requirements.
- The Respondent's being in arrears of rent over the period in question is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
- As at the date of the CMD, the Respondent owed the Applicants £8400 in rent arrears.

Reasons for decision

14. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties.

15. The Tribunal was satisfied that the Applicants are now the joint landlords of the property following the transfer of the title to the remaining half share of the property into their names. The Tribunal noted that in terms of section 45 of the 2016 Act, when ownership of a property let under a private residential tenancy is transferred, the landlord's interest transfers with it.

16. The Tribunal considered whether Ground 12 (rent arrears) had been met. Ground 12 states:

Rent arrears

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.

20. The Tribunal noted from the rent statement provided that the Respondent had continuously been in rent arrears since February 2024. The Respondent had not disputed this. He had therefore been in rent arrears for three or more consecutive months.
21. The Tribunal then considered whether it was reasonable to issue an eviction order in all the circumstances of the case. In doing so, it took into account all of the evidence before it.
22. The Tribunal was satisfied that the Applicants had complied with the pre-action requirements. The Tribunal was also satisfied on the basis of the evidence before it that the arrears were not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
31. The Tribunal noted that the Applicants are currently owed £8400 in rent arrears by the Respondent. The Applicants may have other rental properties, and there is no mortgage over the property. The Applicants are nevertheless incurring other monthly payments in connection with the property, despite having received no rent for almost a year.
32. The Respondent has been living in the property since 19 July 2023, and has been in rent arrears since February 2024. The Tribunal had little evidence before it regarding the Respondent's circumstances, as he did not submit written representations during the Tribunal process. It appeared, however that he lives in the property alone, is in employment and has no known health issues.
32. The Tribunal gave particular weight to the significant rent arrears owed by the Respondent to the Applicants. It also gave weight to the fact that the Respondent had not opposed the application.
33. The Tribunal decided that in light of all the above considerations, it was reasonable in all the circumstances to grant an order for eviction in favour of the Applicants against the Respondent.
34. The Tribunal explored with Mr McNeil the possibility of delaying execution of the eviction order, given the upcoming Christmas period. He said that the

Applicants would be happy to delay execution for a month beyond the standard 30 day period, until 12 January 2026.

Decision

The Tribunal grants an order in favour of the Applicants against the Respondent for recovery of possession of the property. The Tribunal delays execution of the order until 12 January 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.

Sarah O'Neill

12 November 2025

Legal Member/Chair

Date