



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/25/1736

Property : 1st Floor Right, 43C Ashvale Place, Aberdeen AB10 6QJ (“Property”)

Parties:

Muzna Adeel Khan, 1 Glentanar Crescent, Aberdeen AB21 7LT (“Applicant”)

Burnett & Reid LLP, Suite A, 1 Albyn Place, Aberdeen AB10 1BR (“Applicant’s Representative”)

Ryan Lee Spencer, 1st Floor Right, 43C Ashvale Place, Aberdeen AB10 6QJ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 19 March 2024 (“Tenancy Agreement”); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 22 January 2025 (“Notice to Leave”) with covering email dated 22 January 2025; statement of rent arrears; correspondence indicating compliance with the pre-action requirements; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email. The Application was served on the Respondent by sheriff officer on 21 October 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 3 December 2025 by teleconference. The Applicant was represented by Alasdair Taylor of the Applicant’s Representative. The Respondent was not in attendance. Mr Taylor told the Tribunal that the rent was partially paid by housing benefit but no payments had been received since November

2024. He said the arrears are now over £8,000. He said that the Respondent lives in the Property alone and he understood he may be employed from time to time. He said he was unaware of the Respondent having any health issues. He said there has been no direct contact from the Council regarding benefits.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 19 March 2024.
2. The Notice to Leave was served by email on 22 January 2025.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. The Applicant had complied with the pre-action protocol prescribed by the Scottish Ministers.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established. The Tribunal had seen evidence of compliance with the pre-action requirements.

Having considered all of the circumstances, and in the absence of a submission on behalf of the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.

**Joan Devine
Legal Member**

Date : 3 December 2025