



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

**Chamber Ref: FTS/HPC/EV/25/1203**

**Re: Property at 109 West Main Street, Armadale, Bathgate, EH48 3JA (“the Property”)**

**Parties:**

**Mr Walter Hutton, Mrs Elaine Hutton, 45 Mill Road, Armadale, Bathgate, EH48 3QL (“the Applicants”)**

**Miss Nicole Louise Thomson, 109 West Main Street, Armadale, Bathgate, EH48 3JA (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicants submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 8 October 2025 informing both parties that a CMD had been assigned for 18 November 2025 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required

to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 29 October 2025. No representations were received.

4. On 10 November 2025, the Tribunal received further written representations from the Applicants' representative.

#### **The case management discussion – 18 November 2025**

5. The CMD took place by conference call. The Applicants were represented by Ms Barbara Collie, solicitor. The Respondent did not join the conference call and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD.
6. The Applicants' representative explained that rent arrears have increased from £5,850 when this application was submitted to £11,650. The last payment made by the Respondent was in July 2024. There has been no contact from the Respondent since this application was submitted. In or around November 2024 the Respondent told the Applicants that the local authority advised her that she needed a notice to quit and then an application would be required to the Tribunal. The Applicants inferred from this that the Respondent had been in contact with the local authority about alternative accommodation but the Applicants have no more information about that. The Applicants hand delivered a notice to leave to the Respondent on 22 October 2024. The Respondent continues to live in the Property. She lives alone and has no dependents. The Respondent's employment status is unknown. The Applicants have no information to suggest that the Respondent is entitled to benefits and there is no indication that the Respondent suffers any vulnerabilities.
7. The Tribunal explained that the members found that the ground of eviction had been established and that it was reasonable to grant the order for eviction.

#### **Findings in Fact**

8. The parties entered into a private residential tenancy which commenced 22 August 2019.
9. The Applicant served Notice to Leave on the Respondent by personal delivery on 22 October 2024.
10. The Respondent has been in rent arrears for more than 3 consecutive months.

### **Reason for Decision**

11. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
  
12. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondent did not join the conference call, nor did she lodge any written representations. There was no information before the Tribunal to suggest that the rent statement was not accurate. The rent arrears have increased significantly since this application was submitted. The tenancy appears to be unaffordable to the Respondent. The Tribunal was satisfied that the ground for eviction was established. In light of the information provided by the Applicants' representative, the Tribunal found that it was reasonable to grant 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.**

Nicola Irvine

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Legal Member/Chair

**18 November 2025**

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Date