

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)**

Chamber Ref: FTS/HPC/EV/25/2219

Re: Property at 19 MacLennan Place, Dufftown, AB55 4EF (“the Property”)

Parties:

Mr John Cruickshank, Mrs Sally Cruickshank, Benview, Dipple Farm, Fochabers, By Moray, IV32 7QA; Benview, Dipple Farm, Fochabers, Moray, IV32 7QA (“the Applicant”)

Ms Jourdain Munro, 19 MacLennan Place, Dufftown, AB55 4EF (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By Lease dated 30th July 2018 the Applicants let the Property to the Respondent.
2. The start date of the tenancy was 30th July 2018.
3. Rent is payable at a rate of £480.00 per calendar month.
4. The Respondent fell into arrears of rent. Following a payment being made on 4th June 2024, no further payments of rent were made by the Respondent.

5. The Applicant served a notice to leave on the Respondent intimating that proceedings may be taken to seek recovery of possession on the basis the Respondent was in arrears of rent for more than three consecutive months.
6. The Applicant forwarded correspondence to the Respondent in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020
7. The Applicants thereafter presented two applications to the Tribunal, one seeking an order for eviction (EV/25/2219) and one seeking an order for payment of a sum due in relation to arrears of rent (CV/25/2220).
8. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

9. The Applicant Mr J Cruickshank participated personally in the Case Management Discussion. Both Applicants, however, were represented by Mr A Taylor of Burnett and Reid LLP, Aberdeen. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs

Eviction

10. Mr Taylor moved the Tribunal to grant an order for eviction. In advance of the Case Management Discussion an updated rent statement had been provided to the Tribunal. This confirmed that, as of the date of the Case Management Discussion, arrears of rent amounted to £7,780.00. No payment of rent has been made since 4th June 2024.
11. In relation to the personal circumstances of the Respondent, the Tribunal was advised of the following: -
 - Neither the Applicant nor their representative have had any contact from the Respondent during 2025, despite communications being forwarded to her.
 - At the commencement of the tenancy the Respondent had a young child. It is not known what age the child is at present.
 - It is not known if the Respondent is working.

- Correspondence was forwarded to the Respondent in compliance with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020. No response has been received in relation to those letters.
- Correspondence was forwarded to the Respondent intimating that, if she was in receipt of benefits, the Applicants would be content if arrangements could be made for any housing element to be paid to them. No response was received.
- The Respondent “has been on radio silence” and has not communicated at all with the Applicants nor their representatives.
- There are no known medical issues effecting the Respondent.
- Legal agents for the Applicants wrote to the Respondent during January 2025. No response was received.
- An email was forwarded to the Respondent by the legal representatives in March 2025. No response was received.
- A notice to leave was served upon the Respondent during March 2025. No response was received.
- It was noted there was a defect on the notice to leave served during March 2025. A further notice to leave was, therefore, served on 11th April 2025. No response was received from the Respondent.
- The Applicants communicated directly with the Respondent during August and September 2025, that being by way of WhatsApp, text message and email. No response has been received.

12. Having regard to the level of rent arrears, the significant period of time during which no rental payments have been received at all, and in the absence of any information to suggest that it was not reasonable to grant an eviction, the Tribunal granted an order for eviction.

Rent Arrears

13. At the time of the application to the Tribunal arrears of rent amounted to £4,900.00.

14. In advance of the Case Management Discussion the Applicants’ representatives forwarded to the tribunal an updated rent statement showing rent arrears amounting to £7,780.00. A request to amend the amount claimed was also presented to the tribunal and intimated to the Respondent.

15. In the absence of an appearance by or on behalf of the Respondent, the Tribunal amended the amount claimed and thereafter granted an order for payment in the sum of £7,780.00.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act

Order not to be executed prior to 12 noon on 15th December 2025

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.

Virgil Crawford

Legal Member/Chair

Date: 7th November 2025