



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/26/1050

Re: Property at 143 Tweed Crescent, Dundee, DD2 4DL (“the Property”)

Parties:

Mr Venkat Sasi Kiran Attili, Mrs Sireesha Attili, 3 Clos Ddyfan, Cardiff, CF3 0LX (“the Applicant”)

Mr Joshua Craig, 143 Tweed Crescent, Dundee, DD2 4DL (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicants seek an Eviction Order under ground 12 of Schedule 3 of the Act. The Act is accompanied by a copy of the relevant tenancy agreement, the notice to leave with proof of service, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and a rent statement.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 10 am on 7 August 2026. The Applicants were represented by their letting agent, Ms Wheelan. The Respondent was personally present.

[4] Ms Wheelan had submitted representations in advance of the CMD stating that the rent arrears had now increased to the sum of £7,666.60. The Respondent accepted that these sums were probably accurate although he stated that he was not exactly sure how much he owed. The Tribunal discussed the background with the Respondent. He advised that he lived alone and was unemployed. His daughter stayed with him three nights a week. He had no physical health issues and suffered from depression. He was however actively seeking work. The Respondent explained that the reason he had accrued such rent arrears and stopped paying rent completely since October 2025 (in his assessment which was challenged by the Applicant) was because he had issues with his shower being operational. The Respondent was somewhat vague about the issues with the shower. He also readily admitted that he had not kept the rent money aside. He had also been receiving a contribution to his housing costs in his state benefits and he freely admitted he had used these for other purposes. He also accepted that he had broader financial problems and would have accrued rent arrears anyway.

[5] Ms Wheelan for her part suggested that rent had not actually been paid since July 2025 and there was very little documentary evidence of a problem with the shower. In actual fact there was an electrical report from April 2026 which indicated some works had been carried out on the shower and that it was deemed to be operational.

[6] Having heard from the parties and considered the whole facts and circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

1. *The Applicants let the Property to the Respondent by virtue of a Private Residential tenancy within the meaning of the Act;*
2. *The Respondent fell into rent arrears and has not paid any rent since July 2025;*
3. *The Applicants have made efforts to negotiate a payment plan and has signposted the Respondents to sources of financial support;*
4. *The Applicants competently served a notice to leave under ground 12 of Schedule 3 of the Act. Ground 12 was established at the date of service of the notice to leave;*

5. *At today's date the sum of £7,666.60 is lawfully due as rent arrears by the Respondent to the Applicants;*
6. *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020;*

Reasons for Decision

[7] Having made the above findings in fact, the Tribunal considered that the ground set out in the Notice to Leave was established. The Tribunal also considered that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order.

[8] The Tribunal could not conclude that there could be any credible suggestion that even if there was an issue with the shower, it might justify the complete non-payment of rent for a calendar year. The Respondent's position was vague and lacking in detail. The Tribunal considered that it was reasonable to make an Eviction Order.

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.

A McLaughlin

Legal Member/Chair

7 August 2026
Date