

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) under 51 of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/26/1700

Re: Property at Blenboard Cottage Kilbryde Dunblane, Stirlingshire, FK15 9NF (“the Property”)

Parties:

Sir James Campbell, Kilbryde Castle Kilbryde Dunblane, Stirlingshire, FK15 9NF (“the Applicant”)

David Baird, Blenboard Cottage Kilbryde Dunblane, Stirlingshire, FK15 9NF (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Angus Anderson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case. The Tribunal therefore made an eviction order under section 51 of the 2016 Act. In terms of section 54(1) of the 2016 Act, the Private Residential Tenancy between the parties will end on 5th November 2026.

1. The Applicant made an application dated 16th April 2026 to the Tribunal for an Eviction Order under Section 51 of the 2016 Act and Rule 109 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, (“the Rules”). The Applicant relied upon ground 12 of Schedule 3 to the Act as the ground for eviction, namely that the Respondent had been in arrears of rent for three or more consecutive months.
2. The application was accepted by the Tribunal as valid on 7th May 2026. It was referred to a Tribunal for a determination. A Case Management Discussion was assigned to take place on 6th October 2026 by teleconference. The Tribunal gave notice of the Case Management Discussion to the parties in accordance with Rule 17.2 of the Rules. Intimation of the Case Management

Discussion was made on the Respondent by Sheriff Officers on 10th August 2026 by letterbox service. The Tribunal invited the Respondent to lodge any written representations in response to the application with the Tribunal by 29th August 2026.

3. The Case Management Discussion took place on 6th October 2026 at 10am. Ms. Alexandra Wooley from BKF Solicitors represented the Applicant, who was also present. There was no appearance by or on behalf of the Respondent. No written representations had been made by the Respondent in advance of the Case Management Discussion.
4. The Tribunal had documentation before them including: -
 - a. Form E Application Form;
 - b. Copy of the Private Residential Tenancy Agreement between the parties commencing 21st February 2025;
 - c. Notice of Leave and proof of delivery of the said Notice on the Respondent by email dated 27th January 2026;
 - d. Section 11 Notice and proof of service of the said Notice on Stirling Council on 16th April 2026;
 - e. A rent statement up to September 2026;
 - f. Copies of protocol pre action correspondence between the Applicant and the Respondent.
5. The Tribunal was satisfied that Notice of the Case Management Discussion had been served on the Respondent. Commencement of the Case Management Discussion was delayed for a few minutes to give the Respondent an opportunity to join but he did not do so. The Tribunal determined that in all the circumstances it was fair and appropriate to continue with the Case Management Discussion in the absence of the Respondent.
6. The Tribunal heard submissions from Ms. Wooley on behalf of the Applicant, supplemented by information from the Applicant himself.
7. Ms. Wooley advised the Tribunal that no rent had been paid by the Respondent since September 2025. The rent account produced on behalf of the Applicant showed that as at the date the application was made to the Tribunal there were rent arrears of £5700. As at the date of the Case Management Discussion there were rent arrears of £11,400. Ms. Wooley explained that the Applicant had sent pre litigation protocol correspondence to the Respondent. The Applicant was believed to live in the property by himself. He was understood to be in his 40s. Intimation had been made of the application to the Local Authority. His account had been in arrears for more than three months and she submitted that in all the circumstances it was reasonable for the Tribunal to grant the order craved. Ms. Wooley explained to the Tribunal that the Applicant relied on the rental income from this and another five properties to fund his retirement. The Respondent had given various excuses for not allowing access to the property, and for not paying his rent including issues with health. It wasn't clear whether he actually lived in the property. He had changed the locks on the property and had been repeatedly evasive about allowing access to the property. The Applicant also owned an adjoining property and had seen no sign of occupancy over the last 10 months.

8. The Tribunal adjourned the Case Management Discussion to deliberate outwith the presence of the Applicant and his agent. After an adjournment the Tribunal resumed the Case Management Discussion.
9. The Tribunal advised the Applicant and his agent that further information was required to enable the Tribunal to issue a decision, namely written confirmation from the joint proprietor of the property, the Applicant's wife, that she consented to the application. The Tribunal determined that if that information was provided to the Tribunal the Tribunal would consider the submissions and documentation and issue a decision thereafter.
10. Subsequently the Applicant's agent provided the Tribunal with confirmation from the Applicants wife that she consented to the application, and the Tribunal therefore were satisfied that there was sufficient information available to allow them to make a decision in this case.

Findings in Fact and Law

11. The Applicant is the landlord, and the Respondent is the tenant of the property in terms of a Private Residential Tenancy Agreement which commenced on 21st February 2025.
12. The Applicant and his wife are the heritable proprietors of the property in terms of a land certificate registered in the land register under title number PTH53299.
13. Clause 13 of the Private Residential Tenancy Agreement between the parties provided that intimation of Notices could be made by email.
14. The Applicants agent sent a Notice to Leave as defined by Section 62 of the 2016 Act to the Respondent by email on 27th January 2026.
15. In terms of the Notice, which relied on Ground 12, the Respondent was advised that an application might be submitted to the Tribunal after 27th February 2026.
16. The Applicants agents made an application dated 16th April 2026 to the Tribunal.
17. The Applicant has observed the pre action requirements and corresponded with the Respondent in relation to his rent arrears.
18. A Notice in terms of Section 11 of the Homelessness etc. (Scotland) Act 2003 was sent on behalf of the Applicant to Stirling Council on 16th April 2026.
19. As at the date of the application to the Tribunal, the Respondent was in arrears of rent of £5700. As at the date of the Case Management Discussion, the Respondent was in arrears of rent of £11,400.
20. No rent had been paid by the Respondent since 21st September 2025.
21. The Respondent has been in arrears of rent for three or more consecutive months.
22. The Applicant relied on rental income from the property together with five other rental properties.
23. The Respondent was believed to live in the property by himself.
24. The Respondent did not lodge a submission opposing the application or appear at the Case Management Discussion.
25. The Tribunal is satisfied that the Applicant has complied with the terms of section 52 (3), and 54 of the 2016 Act.
26. It is reasonable in all the circumstances to grant the order for eviction.

Reasons for decision

27. The Tribunal was satisfied that the provisions of paragraph 12 of Schedule 3 of the 2016 Act had been met in this case.
28. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it. The Tribunal required to identify the factors relevant to issues of reasonableness to determine how much weight should be applied to them.
29. The Tribunal noted there were very significant rent arrears. The Applicant was partially reliant in the rental income from the property. The Tribunal attached considerable weight to the fact that the Respondent had not opposed the application, either by lodging submissions or by appearing at the Case Management Discussion.
30. The Tribunal considered the Respondent's circumstances insofar as they were known to the Tribunal.
31. Having regard to the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
32. The decision of the Tribunal was unanimous.

Decision

33. 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.

Robert MacDonald

06.10.2026

Legal Member/Chair

Date