

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/26/2042

Re: Property at 47 Stirling Road, Tullibody, FK10 2QD (“the Property”)

Parties:

Paladini Property Solutions Ltd, 32 Barnton Street, Stirling, FK8 1NA (“the Applicant”)

Mr Ryan Charles Dawson, Ms Amy Jacqueline McIntyre, 47 Stirling Road, Tullibody, FK10 2QD (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Elaine Munroe (Ordinary Member)

Decision in absence of the Respondents

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraphs 11 and 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 19th November 2026.

Background

1. This is an application dated 7th May 2026 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 Grounds 11 and 12 of Schedule 3 to the 2016 Act as the grounds for eviction, namely that the Respondents had breached a term of the tenancy agreement and the Respondents had been in arrears of rent for three or more consecutive months.

2. The application was accepted by the Tribunal as valid on 27th May 2026. A Case Management Discussion was set down to take place on 19th October 2026 at 2pm by teleconference. The Tribunal gave notice of the Case Management Discussion to the parties in accordance with Rule 17(2) of the Rules. The Notice was served on the Respondents at the property by Sheriff Officers on 19th August 2026 by letterbox service.
3. The Tribunal invited the Respondents to make written submissions in response to the application to the Tribunal by 5th September 2026. No representations were received from either Respondent.

Case Management Discussion

4. The Case Management Discussion took place on 19th October 2026. The Applicant was represented by Dr Olga Rubio, Golden Tree Estates. There was no appearance by or on behalf of either Respondent. The Tribunal delayed the start of the Case Management Discussion until 14:10 to give the Respondents an opportunity to call in. They did not do so, nor did they attempt to join the Case Management Discussion late.
5. The Tribunal had the following documents before it:-
 - a. Form E Application Form;
 - b. Private Residential Tenancy Agreement between the Applicant and the Respondents which commenced on 5th September 2025;
 - c. A copy of the Notice to Leave and proof of delivery of the Notice on the Respondents on 3rd April 2026;
 - d. Copy Section 11 Notice in terms of the Homelessness etc. (Scotland) Act 2003 and proof of delivery to Clackmannanshire Council on 7th May 2026;
 - e. Copy Rent account;
 - f. Copy correspondence about the rent arrears in terms of the pre-action requirements.
6. The Tribunal heard submissions from Dr Rubio on behalf of the Applicant. Dr Rubio invited the Tribunal to grant an order for eviction. She confirmed that the full rent had not been paid since December 2025, and that arrears continued to accumulate. She advised that the Second Respondent was no longer resident in the property. She understood that she had moved out in or about July 2026. The First Respondent remained resident in the property. Universal Credit made a monthly payment towards the rent on his behalf of £446.70 per month. There was accordingly a monthly shortfall of £353.30. The rent arrears were now £4326. The Respondents had been in rent arrears for three or more consecutive months. No application had yet been made to the Tribunal for payment. The First Respondent was understood to be unemployed and living in the property on his own. Dr Rubio had had discussions with him and understood he was simply waiting for an order from the Tribunal for eviction.

The Respondents had refused access to the Applicant to carry out inspections of the property, which Dr Rubio pointed out was itself a breach of their tenancy agreement. The Respondents had also failed to keep the garden tidy which was leading to complaints from neighbours. The Applicant had attempted to work with the Respondents and they had asked them to agree to a repayment plan but the Respondents had not cooperated. The effect on the Applicant was that the failure to pay the rent was causing it to suffer sustained financial loss. The Applicant had continued to meet the landlord obligations including maintaining the property and addressing repairs when required despite the ongoing non payment of rent. There was no offer from the Respondents to contribute towards the arrears or ensure that the monthly rent was paid in full. The Applicant's position was that it was accordingly reasonable for the Tribunal to grant the order sought.

7. The Tribunal adjourned the Case Management Discussion to deliberate outwith the presence of the Applicant's representative. The Tribunal was satisfied that in the absence of any representations made by the Respondents or any appearance on their behalf at the Case Management Discussion, there were sufficient matters of fact set out by Dr Rubio which had not been disputed to enable the Tribunal to determine what the outcome should be. After the adjournment the Tribunal resumed the Case Management Discussion and confirmed the outcome.

Findings in fact and law

8. The Applicant is the owner of the property in terms of a Land Certificate registered in the Land Register of Scotland title number CLK31.
9. The Applicant is the landlord, and the Respondents are the tenants of the property in terms of a Private Residential Tenancy Agreement which commenced on 5th September 2025.
10. The Applicant's representative served a Notice to Leave on the Respondent's on 3rd April 2026. In terms of that notice the Respondents were advised that an application might be submitted to the Tribunal for an Eviction Order after 5th May 2026. The notice was served on the Respondent's by email. The Private Residential Tenancy Agreement provided in paragraph 4 that all communications, including notices, should be made in writing using the email address set out in the agreement. The notice was served on the Respondents by email using the email address set out in the agreement.
11. A notice in terms of Section 11 of the Homelessness etc. (Scotland) Act 2003 was sent to Clackmannanshire Council on 7th May 2026 by the Applicant's representative.
12. An application was made to the Tribunal on 7th May 2026.

13. At the date the Notice to Leave was served on the Respondents the total rent arrears were £2206.60.
14. At the date the application was made to the Tribunal, the rent arrears were £2681.34.
15. At the date of the Case Management Discussion, the arrears were £4326.
16. The Applicant has complied with the pre-action protocol requirements.
17. Partial rent continues to be met by universal credit.
18. There is a shortfall of rent of £353.30 per month.
19. There is no proposal from the Respondents to meet the balance of the ongoing rent or to pay anything towards the arrears.
20. The Respondents have been in rent arrears for three or more consecutive months.
22. Clause 8 of the Private Residential Tenancy Agreement provides that rent of £800 per calendar month is payable in advance on the first day of the month.
23. The Respondents have not paid the monthly rent when it has fallen due.
24. The Respondents are in breach of their obligations in terms of Clause 8 of the Private Residential Tenancy Agreement.
23. The Applicant has continued to meet its obligations as landlord and has suffered financial disadvantage by the Respondents not paying their rent.
24. The Respondents did not lodge a written submission with the Tribunal and were not present or represented at the Case Management Discussion.
25. It is reasonable to make an Eviction Order.

Reasons for Decision

26. The Tribunal considered whether further intimation of the Case Management Discussion should be attempted on the Second Respondent. It noted that Sheriff Officers had served the intimation of the application by letterbox service on a date by which it was likely, by Dr Rubio's account, that the Second Respondent had left the property. The Tribunal noted that this was not an application for payment. The Second Respondent was no longer living in the property and an order for eviction would therefore not have a significant impact on her. A continuation of the Case Management Discussion would not benefit the Applicant in that it would delay it being given the remedy it sought. It did not appear that it would benefit the First Respondent as the Tribunal understood he was waiting for a decision from the Tribunal to allow the Local Authority to

re-house him. To further delay the proceedings would not benefit the Second Respondent as the arrears of rent which she might ultimately need to pay would continue to accumulate. The Tribunal were therefore satisfied that in all the circumstances further attempt at intimation of the application on the Second Respondent were not required.

27. The Tribunal was satisfied having considered all the documentary evidence and having heard the submissions from the Applicant's representative at the Case Management Discussion that the Tribunal had sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application. It decided that in the absence of any representations by the Respondent, the facts were not in dispute.
28. The Tribunal was satisfied that there was no need to fix a hearing in this case.
29. The Tribunal was satisfied that the Applicant had complied with the statutory requirements in relation to service of a Notice to Leave on the tenant and intimation of the Local Authority.
30. The Tribunal was satisfied the Applicant had completed the pre action protocol requirements.
31. The Tribunal was satisfied the Respondent had been in arrears of rent for three or more consecutive months.
32. The Tribunal noted the significant extent of the rent arrears and the fact that rent was only being partially paid by universal credit.
33. The Tribunal considered the Respondent's circumstances insofar as the Tribunal were aware of them. The Tribunal noted that the Second Respondent appeared to have left the property. The First Respondent had been in contact with the Local Authority regarding re-housing and was waiting to be re-housed.
34. The Tribunal required to consider whether it was reasonable to make an Eviction Order on account of all the information available to it. The Tribunal required to identify the factors relevant to reasonableness and to determine how much weight should be applied to them.
34. The Tribunal took into account the fact that the Respondent had not made any proposal in relation to repayment of the outstanding rent arrears or to meet the ongoing rental obligations. There had been previous attempts to reach agreement with the Respondent's regarding re-payment of the arrears. The Respondents had not participated in the tribunal proceedings. The Tribunal determined that in the absence of any current proposal by the Respondent's to pay the rent and arrears, it should attach significant weight to the rent history in this case.

35. The Tribunal was satisfied that the provisions of paragraph 11 and 12 of Schedule 3 to the 2016 Act had been met in this case.
36. Having considered all the factors relevant to reasonableness that were placed before the Tribunal, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
37. The decision of the Tribunal was unanimous.

Decision

38. The Tribunal granted an order against the Respondent for the eviction of the Respondent from the property under Section 51 and under ground 11 and 12 of Schedule 3 to the 2016 Act.

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

19.10.2026

Legal Member/Chair

Date