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 Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/26/0858

Re: Property at 64 Harbour Road, Tayport, Fife, DD6 9EU ("the Property")

Parties:

Mr David Forrest, 38 Mill Road, Aveley, Essex, RM15 4SL ("the Applicant")

Miss Lori-Jane Forrest, 64 Harbour Road, Tayport, Fife, DD6 9EU ("the Respondent")

Tribunal Members:

Julie McKinlay (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the order for eviction should be granted.

Background

1. On 20 February 2026 the Applicant made an application to the Tribunal in terms of section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules). An updated application in Form E was provided to the Tribunal on 15 March 2026.

2. The Applicant sought the eviction of the Respondent in terms of section 51 under ground 12 of schedule 3 to the 2016 Act, that the tenant has been in arrears of

rent for three or more consecutive months. The Notice to Leave included a further ground that was no longer relied upon.

3. The application was accepted for determination by the Tribunal on 28 May 2026.

4. A Case Management Discussion (CMD) was fixed for 29 October 2026 at 2pm and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

5. The Applicant attended the CMD. The Respondent did not attend the CMD. The papers and confirmation of the date and time for the CMD were served on the Respondent by Sheriff Officers on 19 August 2026. The Tribunal was satisfied that the Respondent had received reasonable notice of the CMD in accordance with Rule 24. In the circumstances the Tribunal decided to proceed in his absence.

6. The Applicant explained that the copy of the lease within the bundle is the electronic version of the lease that both parties signed. This was explained to the Tribunal during the application process and accepted by it. The tenancy started on 1 April 2023. The Respondent is the Applicant's sister. The Property is the family home in which the Applicant's parents resided until their death. The Property is owned by the Applicant. The rent due in terms of the lease is £950 per month.

7. The Applicant produced a rent statement which under the heading "Value" set out the sums paid by the Respondent in respect of rent. The Applicant explained that other than the figure of £900 at the very top of that column the sums listed are those paid by the Respondent between 10 May 2023 and 10 January 2026. An updated rent schedule was produced which showed that the Respondent had not paid rent in February and March 2026. The Applicant has been in arrears of rent since 10 February 2025. The Applicant explained that since December 2025 no rent has been paid by the Respondent.

8. The Applicant told the Tribunal that he tried to enter into a payment arrangement with the Respondent as he realised she was experiencing difficulties in paying the

rent. The arrangement was not adhered to. The Applicant sent the Respondent various links to websites where support may be found including MyGov. Scot, and CAB. The Applicant tried to obtain a direct payment for the rent from DWP, but this was declined. The reasons for that are unclear although the Applicant told the Tribunal that the Respondent wished the money to be paid directly to her and not to the Applicant.

9. The Property has 4 bedrooms. The Respondent is living at the Property with her two children, one of eight years and one of twelve years old. The twelve-year-old has been residing with the Applicant for the last 11 weeks as a consequence of the involvement of social work and the Children's Hearing System in the lives of the Respondent and her children. The younger child attends the local primacy school, and the plan is for the older child to return to the care of the Respondent and attend secondary school in Fife. The family are also working with a Multisystemic Therapy team currently. The Applicant told the Tribunal that the social work department are aware of these proceedings and will support the Respondent to be rehomed in a more manageable property.

10. The Property is the Applicant's only rental property and there is no mortgage on the property.

Findings in Fact

11. The Applicant is the registered proprietor of the property.

12. The Applicant is the landlord of the property and the Respondent the tenant by virtue of the private residential tenancy entered into on 1 April 2023.

13. Rent is payable in terms of the tenancy at the rate of £950 per calendar month.

14. On 3 October 2025 the Applicant served upon the Respondent a Notice to Leave as required by the Act. The notice informed the respondent that the Applicant wished to recover possession using the provisions of the Act.

15. As at the date of service of the notice to leave the Respondent had been in arrears of rent for three or more consecutive months.

16. A notice was served on Fife Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003.

17. The Respondent was given at least 28 days' notice that the Applicant sought possession of the Property.

18. The Applicant was regularly in contact with the Respondent in respect of the rent arrears by letter, email and WhatsApp message. Links to websites where assistance may be sought were provided to the Respondent.

19. As of 10 August 2026, the arrears of rent are £13,925.00.

20. The Respondent continues to reside in the property.

Reasons for Decision

21. The order for eviction is sought in the application in terms of section 51 and paragraph 12 of schedule 13 to the 2016 Act. The Tribunal is satisfied that for three or more consecutive months the Respondent has been in arrears of rent.

22. The Tribunal is also satisfied that it is reasonable to grant the order for eviction. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.

23. The position of the Respondent is unknown as she did not attend the CMD or otherwise advise the Tribunal of her position. The Applicant and the Respondent are brother and sister and as such the Applicant was able to inform the Tribunal to some extent of the current circumstances of the Respondent. There is a Children's hearing scheduled to take place in November at which it is hoped the

care of the twelve-year-old child will return to the Respondent. The Respondent is clearly experiencing difficulties although she has the support of social work and the Multisystemic Therapy team. The arrears of rent are significant and accruing on a monthly basis. No rent has been paid by the Respondent this year. The Property is the only rental property of the Applicant.

24. In weighing the various factors, the Tribunal consider that the question as to whether it is reasonable to evict in this case is a finely balanced one. There are children living at the Property who attend the local schools. However, the Respondent has not paid any rent for 10 months, the arrears continue to accrue and has been in arrears to some extent or another since February 2025. The Respondent is currently supported by social work. The Tribunal has however decided that on balance it is reasonable to evict the Respondent.

25. The Tribunal consider that it is reasonable to delay the date on which the order for eviction may take effect. This will give time for the Children's hearing to take place in November, for Christmas to pass and for the social work team working with the Respondent to assist her in finding alternative accommodation. The Applicant was not opposed to such an extension The order for eviction will not come into effect until 30 January 30, 2027.

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.

29 October 2026

Legal Member/Chair
Julie McKinlay

Date