



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing
(Scotland) Act 1988 ('the Act')**

Chamber Ref: FTS/HPC/EV/26/1571

**Re: Property at 4A Petendreia Court, Bonnyrigg, Midlothian, EH19 2AF ("the
Property")**

Parties:

**LAR Housing Trust, F3 Buchan House, Enterprise Way, Dunfermline, FK11 8PL
("the Applicant")**

**Ms Meg-Anne Reid, Mr Ryan Porteous, 4A Petendreia Court, Bonnyrigg,
Midlothian, EH19 2AF ("the Respondents")**

Tribunal Members:

Hilary Macandrew (Legal Member) and Ann Moore (Ordinary Member)

Decision ; In absence of Respondent

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that an Eviction Order be granted.**

1) Background

By Application dated 10th April 2026 the Applicant sought an order under Section 18(1) of the Housing (Scotland) Act 1988 ('the Act')

- 1.1 The application to the Tribunal was made by Form E on 10th April 2026 and was accepted for determination by the Tribunal on 5th May 2026. There is a connected application under reference FTS/HPC/CV/26/1572. The applications were heard together.
- 1.2 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 12th August 2026.

1.3 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Short Assured Tenancy agreement
- Notice to Quit and AT6
- Section 11 Notice
- Rent Statement

1.5 A Case Management Discussion was set to take place on 21 September 2026. Intimation was given to the Respondent by Sheriff Officers on 12 August 2026.

2) The Case Management Discussion ('CMD')

2.1 The CMD took place by tele conference on 21st August 2026. The Applicant was represented by Ms Mullen of TC Young, Solicitors. The Respondent was neither present nor represented. The start of the Tribunal was delayed by 5 minutes to enable the Respondent to take part. They did not.

2.2 The Applicant sought the Eviction Order based on the tenancy having reached its ish and in terms of Grounds 11 and 12 of Schedule 5 of the Act.

2.3 Ms Mullen explained that the Short Assured Tenancy reached its ish date on 1st March 2026. Furthermore the rent has been persistently in arrears since April 2023 and at the date of the Tribunal the arrears stood at £2,566.76. Mr Mullen took the Tribunal through the updated rent statement which had been submitted with the Applicants request to amend the arrears to the figure of £3,316.76 in the connected proceedings. A further payment to reduce the arrears had been made in advance of the CMD and therefore the amount of arrears at the CMD were £2,566.76

2.4 The tenancy commenced on 1st November 2017 with an initial rent of £595 per month. The rent increased during the course of the tenancy from £595 per month to the current rent of £700.47 per month.

2.5 The Applicant had invited the Respondent to enter into a payment plan on more than one occasion during the tenancy. Terms were agreed but the Respondent failed to adhere to the agreement almost immediately it was put in place.

2.6 Ms Mullen understands that the female Respondent has removed from the tenancy but the male Respondent is still living in the property. They were both believed to be working. The male Respondent is 32 years of age. They share a 7 year old child but it is unclear with whom the child resides. With the assistance of the Tribunal entry was gained to the property by the Applicants in July 2026. The Applicants found the property to be in a very poor condition internally with damage including holes in walls, doors removed, and kitchen units in a poor state.

2.7 Ms Mullen explained that the property is a mid-market rental property. There is currently a waiting list of 20 to 30 families for this type of property. The rent

arears in this case have been the highest for these Applicants in Midlothian. They are more than twice the level of average arrears.

- 2.8 The Applicants have tried to engage constructively with the Respondent but the Respondent will not address the rent arrears or any other aspects of the tenancy. The Applicants are suffering financially by the non payment of rent as they require rent to meet the costs of maintenance, repairs and secured borrowing.
- 2.9 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

- 3.1 The Tenancy agreement is a Short Assured Tenancy Agreement which commenced on 1st November 2017.
- 3.2 On 16th January 2026 the Applicants served Notice to Quit on the Respondent under Grounds 11 and 12 of Schedule 5 to the Act. The Notice to Quit became effective from 1st March 2026. The Applicants served an AT6 on the Respondent on 16th January 2026. The Notices were correctly drafted and provided sufficient Notice.
- 3.3 The tenancy reached its ish date on 1st March 2026
- 3.3 The Respondent has been in arrears of rent by an amount equal to or greater than the equivalent of one month's rent under the tenancy and has been in arrears for more than three or more consecutive months.
- 3.4 The basis for the Order for possession was accordingly established.

4) Issue For The Tribunal

- 4.1 The issue for the Tribunal is to determine whether or not it is reasonable to grant the Order.
- 4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
- 4.3 The Tribunal found that the Applicant is entitled to recovery of the property. The Tribunal had regard to the significant level of rent arrears. The Respondent have not engaged with the Applicant nor with the Tribunal process. The Applicants made arrangements for payment of the rent arrears with the Respondent which they failed to maintain. The male Respondent continues to

live in the property and is failing to pay rent and arrears of rent lawfully due. The Respondent are believed to be working. There is a considerable list of families waiting to be allocated this type of property. The Applicants are suffering financially due to the non payment of rent.

- 4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

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.

Hilary MacAndrew

21st September 2026

Legal Member/Chair

Date