

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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, under ground(s) 12  
Chamber Ref: FTS/HPC/EV/18/2452**

**Re: Property at 2(5) Durar Drive, Edinburgh, EH4 7HJ (“the Property”)**

**Parties:**

**Fidra Lettings, 6 High Street, Gifford, East Lothian, EH41 4QU (“the Applicant”)**

**Ms Amy Rose Edwards, Ms Lesley McCusker, 2(5) Durar Drive, Edinburgh, EH4 7HJ (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

This matter called for a Case Management Discussion at 2 pm on 8 January 2019 in George House, 126 George Street, Edinburgh. The Applicant was represented by Ms Hill of Paris Steel WS. The Second Respondent, Ms Lesley McCusker, was personally present. There was no appearance by or on behalf of the First Respondent.

Ms Hill invited the Tribunal to make an Eviction Order on account of Grounds 12 of section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, being engaged by non-payment of three months rent. A Notice to Leave had been validly served on this basis. The appropriate period of notice had been complied with and notice had also been validly given to the Local Authority.

It was stated that more than three months rent arrears were due both at the date of service of the Notice to Leave and at today's hearing. The sum of £3,625.43 was said to be currently outstanding.

At the start of the Hearing, Ms McCusker acknowledged that she accepted that she had rent arrears but “*Didn't know how much was due*”.

Ms Hill produced rent statements that were clear and easy to understand and appeared to show that £3,625,43 was due in rent arrears at the present date. These statements also demonstrated that three months rent arrears were overdue both at the date of service of the Notice to Leave and at today's date.

Ms McCusker advised that she thought that these statements might not have taken account of payments she recalled having made but after being given time to review her online banking could not produce any evidence that the figures put forward by the Applicant were inaccurate. Ms McCusker then conceded that the rent statements lodged most likely were accurate and that she probably did owe the sums calculated in those statements.

Accordingly, the Tribunal considered that Grounds 12 of section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, had been properly engaged and so made an Eviction Order as sought.

### **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.**

Andrew McLaughlin, Legal Member

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**Legal Member/Chair**

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**Date**

8/11/19