

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/1866

Re: Property at 18 F6 Fettes Rise, Edinburgh, EH4 1QH (“the Property”)

Parties:

Home Lettings Scotland Limited, 4B Polton Road, Lasswade, Midlothian, EH18 1AA (“the Applicant”)

Miss Petina Gappah, 18 F6 Fettes Rise, Edinburgh, EH4 1QH (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order against the Respondent for eviction of the Respondent from the Property.

Introduction

1. This is an application under Rule 109 and Section 51 of the Private Housing (Scotland) Act 2016 for an Eviction Order under Ground 12 of Schedule 3.
2. The applicant is the owner and landlord of the property. The respondent is the tenant.
3. The two-member Case Management Discussion (CMD) took place at 2pm on 1 November 2024 by teleconference. The applicant joined the hearing. The respondent has failed to engage with the application in any way. We took into account the extent of arrears and the length of time over which they had accrued. We decided to continue with the discussion in her absence after satisfying ourselves that the papers had been properly served on her and that she was notified of today’s CMD. We had regard to the overriding objective.
4. The applicant informed us that he had tried to enter negotiations with the respondent in an attempt to have a rent repayment schedule agreed. In June 2024 the respondent agreed to pay the outstanding amount and vacate the property on 31 August 2024.

The applicant understands that she is in Zimbabwe. She paid £2000 and then another £1000. The applicant has spoken to neighbours who have not seen her at the property for months.

5. The respondent began running up arrears in August 2023. The rent liability was £1,625.86/month. She has been 3 months in arrears since 1 May 2024
5. The applicant is a judge and has a son who attended a private school in Scotland.
6. The rent arrears are substantial and have been outstanding for more than 3 months. The respondent has expressed no real intention of paying that sum. Her actions in this respect are unreasonable.
7. We were satisfied that the respondent had failed to engage with the application in anyway. For that reason, we have no information before us to indicate that there are any particular circumstances to find that the granting of the Order would not be reasonable.
8. We were satisfied that the making of an Eviction Order was reasonable in all of the circumstances, having regard to all the information before us, individually and together.
9. Accordingly, an Eviction Order is granted.

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.

Lesley-Anne Mulholland

Legal Member/Chair

Date 4 November 2024