



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/24/5110

Re: Property at 4 Walker Place, Lasswade, Edinburgh, EH18 1DS (“the Property”)

Parties:

PROPERTY CONNECTION (EDINBURGH)LTD, 29 Sciennes Road, Edinburgh, EH9 1NX (“the Applicant”)

Ms Carol-Anne Scott, 4 Walker Place, Lasswade, Edinburgh, EH18 1DS (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Angus Lamont (Ordinary Member)

Decision

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

BACKGROUND

1. By lease dated 26 November 2018 the Applicant let the Property to the Respondent.
2. Rent is payable at a rate of £700.00 per calendar month. The rent has not been increased throughout the currency of the lease.
3. The Respondent fell into arrears of rent. As a result, the Applicant served a Notice to Leave upon the Respondent. The Notice to Leave was dated 5 April 2024. As at that date arrears of rent amounted to £19,565.00.
4. The Applicant subsequently presented two separate applications to the Tribunal, one seeking an order for eviction (EV/24/5110) and one seeking a payment order in relation to arrears of rent (CV/24/5111). The Applications

were presented on 5 November 2024. As at that date the arrears of rent amounted to £24,165.00.

5. A Notice in terms of s11 of the Homeless Etc (Scotland) Act 2003 was intimated to the Local Authority.
6. The Applicant had forwarded letters to the Respondent in compliance with the pre-action protocol.

THE CASE MANAGEMENT DISCUSSION

7. The Tribunal assigned a Case Management Discussion to be conducted by teleconference at 10am on 23 June 2025. The Applicant was represented by Mrs C Burnett of Swift Letting. Miss L Cant of that organisation attended as an observer. The Respondent participated personally.
8. Mrs Burnett confirmed that, on behalf of the Applicant, she was moving the Tribunal to grant both an order for eviction and an order for payment of rent arrears. She advised the Tribunal that the arrears of rent had increased. Arrears of rent now stood at £28,565.00.

Eviction

9. The Respondent advised the Tribunal that she accepted there were arrears of rent. She did not dispute the level of arrears stated. She advised, however, that she opposed the application for an eviction order as she was now in employment receiving benefits. She was in a position to make payment of rent on an ongoing basis and, in addition, £300.00 per month towards the arrears. She was keen to remain within the Property if possible.
10. The Tribunal noted that, given the level of arrears was not in dispute (£28,565.00 as at the date of the Case Management Discussion) payment of the arrears at a rate of £300.00 per month take approximately 8 years for payment. The Respondent did not dispute that. She advised, however, that she would not be able to make payment at any greater rate at present.
11. The Respondent advised the Tribunal she was 43 years of age. She resides at the Property with her two adult sons, aged 19 years and 21 years. Both are in employment and now contribute towards the cost of the home. She is in employment earning £12.21 per hour. She also receives adult disability payments in relation to certain health issues affecting her and, in addition, her income is enhanced by Universal Credit payments. She commenced her employment approximately one month ago and will receive her first salary payment next week. She will be in a position to make payment at the rate of £1,000.00 per month thereafter.

12. Mrs Burnett advised the Tribunal that, despite the offer now being made, the Applicant still sought both an eviction order and a payment order. Mrs Burnett advised that there had been previous promises of payment which had not come to fruition. The arrears were significant and the offer of payment of rent on an ongoing basis and £300.00 towards arrears did not affect the approach being taken to the applications by the Applicant.
13. The papers submitted to the Tribunal suggested that, during 2024, the Respondent had arranged alternative accommodation. She had asked to be allowed to remain within the Property for a period of time until the alternative accommodation became available. Ultimately, however, that alternative accommodation did not become available and the Respondent has remained within the Property since.
14. The Respondent advised that she has not made any other efforts to obtain alternative accommodation. She did advise the Tribunal, however, that as she is now in employment and in receipt of benefits, she would be in a position to secure alternative accommodation if an eviction order was granted.
15. In the circumstances, having regard to: -
- the very significant level of arrears – equating to 40 months rental payments
 - the absence of any effort to address the arrears,
 - the proposal to make payment of the arrears at the rate of £300.00 per month – which would take approximately 8 years – is not a reasonable one,
 - the Respondent is now be in a position to secure alternative accommodation if an eviction order is granted,
- the Tribunal considered it was reasonable and appropriate to grant an order for eviction.

Rent Arrears

16. The arrears were not in dispute. As at the date of the application, the arrears amounted to £24,165.00. The Application was for a payment order in that amount. There has been no application to vary the amount claimed. In the circumstances, a payment order in the sum for £24,165.00 is made.
17. The Tribunal did enquire of the Respondent whether she wished a time to pay order. She accepted, however, she was not in a position to make any realistic proposals for payment within a reasonable time scale and, in the circumstances, no time to pay order is made.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 30 July 2025

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.

V Crawford

Virgil Crawford

23 June 2025

Legal Member/Chair

Date