



**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**

**Chamber Ref: FTS/HPC/EV/25/0516**

**Re: Property at 231 Colinton Mains Drive, Edinburgh, EH13 9AR (“the Property”)**

**Parties:**

**MacTaggart & Mickel Homes Limited, 1 Atlantic Quay, 1 Robertson Street,  
Glasgow, G2 8JB (“the Applicant”)**

**Ms Elizabeth McVey, 231 Colinton Mains Drive, Edinburgh, EH13 9AR (“the  
Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Gordon Laurie (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant was entitled to an order for possession  
of the property and the removal of the Respondent from the property.**

**Background**

1. By application dated 31 January 2025 the Applicant’s representatives, D J Alexander Lettings Ltd, Edinburgh, applied to the tribunal for an order for possession of the property in terms of Section 18(1) of the Housing (Scotland) Act 1988 (“the 1988 Act”). The Applicant’s representatives submitted a copy of a short assured tenancy agreement, Form AT6 with proof of service, a rent statement, a Section 11 Notice with proof of intimation to Edinburgh City Council, pre-action protocol letters to the Respondent and a letter of authority from the Applicant in support of the application.
2. By Notice of Acceptance dated 7 March 2025 a legal member of the tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 29 April 2025.
4. By email dated 27 June 2025 the Applicant's representatives submitted an updated rent statement to the tribunal showing the rent due at 31 May 2025 to be £4163.02.
5. By email dated 30 June 2025 the Applicant's representatives submitted a series of photographs of the property taken in January 2025.

### **The Case Management Discussion**

6. A CMD was held by teleconference on 8 July 2025. The Applicant was represented by Ms Aisling Condrón from the Applicant's representatives. The Respondent did not attend nor was she represented. The tribunal being satisfied that the Respondent had received proper intimation of the date and time of the CMD determined to proceed in her absence.
7. The tribunal noted that the Respondent had commenced a short assured tenancy of the property on 22 February 2013 that had endured until 22 August 2013 and then continued from month to month thereafter. The tribunal also noted that the Applicant's representatives had instructed Sheriff Officers to serve a form AT6 under grounds 11 and 12 of schedule 5 of the 1988 Act on the Respondent on 14 January 2025 and that at that time the Respondent was said to owe rent amounting to £2194.53. The tribunal also noted that the Applicants had submitted a further rent statement advising that the rent due had increased to £4163.02 and Ms Condrón advised the tribunal that since submission of her email of 27 June a further month's rent had become due and the balance of rent due was now £4923.79. The tribunal also noted that the Applicant's representatives had complied with the pre-action protocol and had sent three letters to the Respondent advising her of the rent arrears and directing her to organisations that could provide assistance. The tribunal also noted that the Applicant's representatives had intimated the proceedings to Edinburgh City Council by way of a Section 11 Notice by email on 5 February 2025.
8. Ms Condrón advised the tribunal that the Applicant's representatives had taken over management of the property on 31 March 2022 and had subsequently had several conversations with the Respondent regarding her failure to properly maintain the property and for keeping unauthorised pets (cats and a guinea pig) in the property. Ms Condrón said that despite this the condition of the property had not improved and the Respondent had constantly refused or cancelled access to the property. Ms Condrón explained that a property manager had gained access to the property on the day the Respondent had been due to remove from the property in terms of the Form AT6 and had taken the photographs submitted by email on 30 June 2025 that disclosed the terrible condition of the property at that time.

9. Ms Condron went on to say that she understood that the Respondent was in employment but did not know the nature of her employment and was unsure why rent was not being paid although some rent had been paid in February and April 2025. Ms Condron said she had no information on the Respondent being in receipt of any benefits. Ms Condron said that she did not know the Respondent's age but thought she would be in her 40's or 50's. Ms Condron said she was unaware of the Respondent having any dependants or children living with her in the property.
10. In response to a query from the tribunal Ms Condron confirmed that the Respondent had maintained her rent payments up-to-date until about October 2024. Ms Condron said she was unaware of any change in the Respondent's circumstances and that the Respondent had never disclosed any reason for non-payment.
11. In response to a further query from the tribunal given the condition of the property and the photographs submitted whether a referral to social work had been made Ms Condron advised the tribunal that Social Work would not accept referrals from letting agents. Ms Condron said social work only accepted referrals from family and friends. Ms Condron also advised the tribunal that as far as she was aware the property remained in the same condition as it was in January 2025 and she also confirmed that she had not had any contact from the local authority housing department.

### **Findings in Fact**

12. The Respondent commenced a short assured tenancy of the property on 22 February 2022 that endured until 22 August 2022 and then continued from month to month thereafter.
13. The Respondent fell into arrears of rent in October 2024.
14. The Respondent was served with a Form AT6 by Sheriff Officers on 14 January 2025 providing that proceedings would not be raised before 29 January 2025.
15. At the date of service of Form AT6 the Respondent owed rent amounting to £2194.53.
16. The Applicant's representatives sent appropriate pre-action protocol letters to the Respondent.
17. The Applicant's representatives intimated commencement of the proceedings to Edinburgh City Council by way of a Section 11 Notice by email dated 5 February 2025.
18. At the date of the CMD the Respondent owed rent of £4923.79.
19. The Respondent has failed to maintain the property in an appropriate condition.

20. The Respondent has kept pets in the property without consent.

21. The Respondent is believed to live in the property on her own.

### **Reasons for Decision**

22. The tribunal was satisfied from the documents produced and the oral submissions from Ms Condon that the Respondent commenced a short assured tenancy on 22 February 2013 that endured until 22 August 2013 and then continued from month to month thereafter. The tribunal was also satisfied that the Respondent had largely maintained her rent payments up until October 2024. The tribunal was also satisfied that at the date of service of Form AT6 on the Respondent on 14 January 2025 the Respondent owed rent amounting to £2194.53 and that since then had only made two further payments in February and April 2025 resulting in the total amount of rent due at the date of the CMD being £4923.79. The tribunal was also satisfied that appropriate pre-action protocol letters had been sent by the Applicant's representatives to the Respondent and proper intimation of the proceedings had been sent to the local authority by way of a Section 11 Notice.

23. Procedurally therefore the tribunal was satisfied that the Applicant was entitled to an order for possession subject always to it being reasonable in the circumstances to grant the order. In reaching its decision the tribunal took account of the fact that despite being given an opportunity to submit written representations to the tribunal and to attend the CMD the Respondent chose to do neither. The tribunal had limited information about the Respondent's personal circumstances although Ms Condon had understood from previous communication with the Respondent that the Respondent was in employment and therefore could offer no explanation for non-payment of the rent. The tribunal was told that the Respondent was living in the property on her own with a cat and a guinea pig and it was quite apparent from the photographs submitted by the Applicant's representatives that the property was in a terrible condition and not being properly maintained by the Respondent. The tribunal was also satisfied that this situation had been going on for a long period of time with the Respondent not co-operating with the Applicant's representatives by granting access or by taking steps to improve the condition of the property. Given that the Respondent now owes well over six months' rent with no explanation for any reason for falling into arrears the tribunal is satisfied that it is reasonable in the circumstances to grant the order sought.

### **Decision**

24. The tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for possession of the property and the removal of the Respondent from the property.

## **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.**

Graham Harding

**Legal Member/Chair**

**8 July 2025  
Date**