

**Decision with Statement of Reasons 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/24/5708

**Re: Property at 9B Carlton Terrace, Calton Hill, Edinburgh, EH7 5DD (“the
Property”)**

Parties:

**Ms Fiona Young-Herries, Glenear House, Perth Road, Crieff, Perthshire, PH7
3EQ (“the Applicant”)**

**Ms Donna Elizabeth Stein, 9B Carlton Terrace, Calton Hill, Edinburgh, EH7 5DD
 (“the Respondent”)**

Tribunal Members:

Graham Harding (Legal Member) and Jane Heppenstall (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 the eviction
of the Respondent from the property.**

Background

1. By application dated 11 December 2024 the Applicants’ representatives, Lindsays LLP, Solicitors, Edinburgh, applied to the Tribunal for an order for the eviction of the Respondents from the property in terms of Ground 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant’s representatives submitted a copy of a tenancy agreement, Notice to Leave with execution of service, a rent statement, pre-action requirement letter and a Section 11 Notice together with other documents in support of the application.

2. By Notice of Acceptance dated 17 February 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 Respondents by Sheriff Officers on 10 June 2025.
4. By email dated 17 July 2025 the Applicant's representatives advised the Tribunal that the rent due by the Respondents had increased to £39200.00.

The Case Management Discussion

5. A CMD was held by teleconference on 31 July 2025. The Applicant was represented by Mr Adam Gardiner from the Applicant's representatives. Also in attendance as observers were employees of the Applicant's letting agents. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence.
6. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 8 December 2023 at a rent of £14700.00 per six months payable in advance. The Tribunal was advised by Mr Gardiner that the Respondent had failed to pay rent as required on 8 June 2024 and a Notice to Leave had been served on the Respondent under ground 12 of schedule 3 of the 2016 Act on 18 October 2024 and that a pre-action requirement letter had been sent to the Respondent at that time. The Tribunal also noted that a Section 11 Notice had been sent to Edinburgh Council by email on 13 January 2025.
7. Mr Gardiner advised the Tribunal that the Respondent lived alone in the property. He said he was unsure of the Respondent's age but was aware she was an older lady. In response to a query from the Tribunal Mr Gardiner confirmed that it had been suggested by the Respondent that there had been some issues with the property but that these had never been discussed with the letting agents and the Respondent had refused to discuss payment of rent with them. Mr Gardiner also said that various repairs had been carried out to the property as referred to in the written submissions. Mr Gardiner also said that the last contact by the letting agents with the Respondent had been in June this year.
8. With regards to the Applicant's financial circumstances Mr Gardiner said he was unsure of the Applicant's income but understood that the property was her only let property and that given the rent, non-payment was resulting in a significant loss of earnings for the Applicant.

9. Mr Gardiner submitted that as the Respondent had failed to pay the latest rent due on 8 June 2025 and the total amount of rent due now amounted to £39200.00 it was reasonable that an order for the eviction of the Respondent from the property be granted.

Findings in Fact

10. The Respondent commenced a Private Residential Tenancy of the property on 8 December 2023.
11. A Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act was served on the Respondent on 18 October 2024.
12. A Section 11 Notice was sent to Edinburgh City Council on 13 January 2025.
13. A pre-action requirement letter was sent to the Respondent on 18 October 2024.
14. The Respondent owed rent of £9800.00 at the date of service of the Notice to Leave.
15. The Respondent currently owes rent amounting to £39200.00.
16. The Respondent lives alone in the property.
17. The Respondent has failed to engage with the Applicant's letting agents or to provide any reason for non-payment of rent.
18. The non-payment of rent by the Respondent adversely affects the Applicant's income.

Reasons for Decision

19. The Tribunal was satisfied from the documents submitted and the oral submissions that the parties entered into a Private Residential tenancy that commenced on 8 December 2023. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 12 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Edinburgh City Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the oral submissions that the Respondent owed rent amounting to £39200.00.
20. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be made. In reaching a decision on reasonableness the Tribunal noted

that despite being given an opportunity to submit written representations and to attend the CMD the Respondent had chosen to do neither. The Tribunal also took into account the very significant level of rent arrears amounting to £39200.00 and the likely impact that was having on the Applicant's finances. After carefully considering the circumstances, the Tribunal was persuaded given the level of rent arrears and the lack of engagement by the Respondent that it was reasonable to grant the order sought.

Decision

21. The Tribunal being satisfied that it had sufficient information before it to make a decision without the need for a hearing the Tribunal finds the Applicant entitled to an order for the eviction 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

31 July 2025
Date