

**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/25/0938**

**Re: Property at Flat 7, 16 Paterson Place, Edinburgh, EH15 3JN (“the Property”)**

**Parties:**

**Places for People Scotland Ltd, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)**

**Ms Sharleen McEwan, Mathew Laidler, Flat 7, 16 Paterson Place, Edinburgh, EH15 3JN (“the Respondents”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Jane Heppenstall (Ordinary Member)**

**Decision**

**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 Respondents from the property but that enforcement of the order should be postponed for a period of two months from the date of the decision.**

**Background**

1. By application dated 4 March 2025 the Applicants’ representatives, Patten & Prentice, Solicitors, Greenock, 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, rent increase notices and a Section 11 Notice together with other documents in support of the application.

2. By Notice of Acceptance dated 31 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 Respondents by Sheriff Officers on 11 June 2025.
4. By email dated 28 July 2025 the Applicant's representatives advised the Tribunal that the rent due by the Respondents had increased to £10530.00.

### **The Case Management Discussion**

5. A CMD was held by teleconference on 31 July 2025. Mr Ross O'Donnell from the Applicant's representatives represented the Applicant. Ms Sharleen McEwan attended on behalf of the Respondents.
6. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 8 March 2022 at a rent of £720.00 per calendar month and Ms McEwan advised the Tribunal that the current rent was about £798.00 per month. Ms McEwan accepted that the Respondents had not paid any rent for some months and that they owed rent of £10530. Ms McEwan agreed that the Respondents had received the Notice to Leave dated 13 December 2024 by email but that they had not received it by post. Ms McEwan explained that the letterboxes at the property were not numbered and mail frequently went astray. Ms McEwan went on to say that she and her partner had been struggling with debt since the birth of her daughter who was now aged two and that they had prioritised feeding their child before paying rent. Ms McEwan explained that her partner had been employed on a zero hours contract but had just started a new full time job but had not yet had his first pay. Ms McEwan also said that in addition to her part time earnings she had recently obtained self-employed work that would bring her an additional income. Ms McEwan confirmed she had contacted Edinburgh Council for accommodation but had been told they would not assist unless and until the Tribunal granted an order for her eviction. Ms McEwan also said that she was aware that there was a housing crisis and that the Respondents had nowhere to go if they were evicted and they had no family who could provide them with accommodation. Ms McEwan said that it was the Respondents' intention to commence paying the full rent towards the end of August and to also pay an agreed sum towards the arrears if they were allowed to remain in the property.
7. The Tribunal queried with Mr O'Donnell if in light of the Respondents' submissions the Applicant would be prepared to change their position as regards seeking an order for eviction but Mr O'Donnell said that his instructions would remain the same given that no rent had been paid since October 2024 and a further rent payment would be due on 1 August.

8. The Tribunal queried if the Applicant might consider allowing the Respondents to remain in the property if an order for their eviction was granted if they commenced paying the rent in full and paid an additional sum towards the arrears. Mr O'Donnell said he could not say that his clients would agree to such an arrangement but that they might consider it.
9. In response to a query from the Tribunal Ms McEwan confirmed the Respondents had been in receipt of Universal Credit and said that if it would help, they would agree to direct payments being made to the Applicant.
10. In response to a further query from the Tribunal Ms McEwan said that no-one from Edinburgh Council was actively working with her at present and that she had applied for local authority housing but had not heard anything and did not think anything would happen unless an order for eviction was granted.

### **Findings in Fact**

11. The Respondents commenced a Private Residential Tenancy of the property on 8 March 2022.
12. A Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act was served on the Respondent on 13 December 2024.
13. A Section 11 Notice was sent to Edinburgh City Council on 24 February 2025.
14. The Respondents owed rent of £4897.40 at the date of service of the Notice to Leave.
15. The Respondents currently owe rent amounting to £10530.00.
16. The Respondents live in the property with their 2-year-old daughter.
17. The Respondents are in employment and the First Respondent has recently obtained new full time employment and the Second Respondent has obtained additional self-employed work.
18. The Respondents have been told that they will not receive any assistance with housing unless and until an order for their eviction is granted.

## **Reasons for Decision**

19. The Tribunal was satisfied from the documents submitted and the oral submissions of both parties that the parties entered into a Private Residential tenancy that commenced on 8 March 2022. 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 parties' oral submissions that the Respondents owe rent amounting to £10530.00.
20. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondents 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 neither party took any issue with the other party's position as stated by them. The Tribunal therefore had to balance the needs of the Applicant with the needs of the Respondent in arriving at a decision. On the one hand the Applicant was entitled to receive the rent due for the property and could not be expected to sustain non-payment indefinitely. On the other hand, the Tribunal also had to take account of the needs of the Respondents who had to care for their 2-year-old daughter and who had been suffering financially over a prolonged period. The Tribunal acknowledged that it did appear that the Respondents' financial situation might be about to improve but it could not be certain that the Respondents would in the longer term be able to maintain their full rent payments and make substantial inroads into the arrears of rent. The Tribunal also took into account the fact that the Respondents had been told that they would only be given assistance with housing if an order for eviction was granted.
21. After carefully considering the circumstances of both parties the Tribunal was persuaded that although there would undoubtedly be an adverse impact on the Respondents and their daughter it was reasonable to grant the order given the level of rent arrears and the uncertainty that the Respondents would be able to maintain rent payments in the future. However as discussed with the parties despite the order being granted it would be possible for parties to reach an agreement that the order would not be enforced if the Respondents maintained payment of their rent in full and made payments to reduce the arrears by an agreed amount each month and the Tribunal would hope that the Applicant would at least give this some consideration. The Tribunal also considered it reasonable that the Respondents be given some additional time either to reach an agreement with the Applicant or to obtain assistance from the local authority and determined that enforcement of the order would be suspended for a period of two months from the date of the decision.

## **Decision**

22. 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 the eviction of the Respondent from the property but that enforcement of the order should be suspended for a period of two months from the date of the decision

## **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**