



**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/24/3787

**Re: Property at Flat F, 8 Muirhouse Place West, Muirhouse, Edinburgh, EH4 4PY
("the Property")**

Parties:

**Noxota Limited, Southfield House, 75 Carnbee Avenue, Edinburgh, EH16 6GA
("the Applicant")**

**Salvador Rafael Puig Terrero Apellaniz, Flat F, 8 Muirhouse Place West,
Muirhouse, Edinburgh, EH4 4PY ("the Respondent")**

Tribunal Members:

Graham Harding (Legal Member) and Mary Lyden (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 19 August 2024 the Applicants' representatives, Gilson Gray LLP, Solicitors, Edinburgh applied to the Tribunal for an order for the eviction of the Respondent 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, Rent Statement, Pre-action Requirement correspondence and a Section 11 Notice together with other documents in support of the application.
2. By Notice of Acceptance dated 9 September 2024 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 14 February 2025.
4. A CMD was held by teleconference on 25 March 2025. The Applicant was represented by Mr David Gray from the Applicant's representatives. The Respondent attended in person. As the Respondent's first language was Spanish and he requested the use of an interpreter and as an up-to-date rent statement was not available the CMD was adjourned.
5. By email dated 1 August 2025 the Applicant's representatives submitted a current rent statement together with other documents.

The Case Management Discussion

6. A CMD was held by teleconference on 2 September 2025. The Applicant was again represented by Mr David Gray. A Spanish interpreter was in attendance. The Respondent did not attend nor was he represented. The Tribunal being satisfied that the Respondent had been given proper notice of the date and time of the CMD determined to proceed in his absence and the Spanish interpreter was discharged.
7. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 24 July 2021 at a rent of £650.00 per calendar month. The Tribunal also noted that the rent was increased to £675.00 per month with effect from 24 January 2024. Mr Gray referred the Tribunal to the rent statement submitted by email on 1 August 2025 which disclosed that the rent due had increased to £8277.15 and that no rent had been paid on 24 August 2025 further increasing the arrears.
8. The Tribunal also noted that the Respondent had been served with a Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act by Sheriff Officers on 5 June 2024 and that a Section 11 Notice had been sent to Edinburgh City Council by email on 7 August 2024. The Tribunal also noted that the Applicant's letting agents had sent Pre-action Requirement correspondence to the Respondent on 6 February, 8 April and 4 July 2024.
9. In response to queries from the Tribunal Mr Gray confirmed that the non-payment of rent by the Respondent had a serious effect on the profit of the Applicant. Mr Gray went on to say that he understood the Respondent lived alone in the property and was not aware of any recent communication with the Applicant's letting agents. Mr Gray thought that some recent payments received by the letting agents may have been from Universal Credit but he could not be sure.
10. Mr Gray submitted that it was reasonable in the circumstances to grant an order for the eviction of the Respondent from the property.

Findings in Fact

11. The Respondent commenced a Private Residential Tenancy of the property on 24 July 2021.
12. A Notice to Leave under Ground 12 of Schedule 3 of the 2016 Act was served on the Respondent on 5 June 2024.
13. A Section 11 Notice was sent to Edinburgh City Council on 7 August 2024.
14. The Applicant's letting agents sent Pre-action correspondence to the Respondent on 16 February, 8 April and 4 July 2024.
15. The Respondent currently owes rent amounting to £8952.15.
16. The Respondent lives alone in the two-bedroom property

Reasons for Decision

17. The Tribunal was satisfied from the documents submitted and the oral submissions of Mr Gray that the parties entered into a Private Residential tenancy that commenced on 24 July 2021 at an initial rent of £650.00 per month and was subsequently increased on 24 January 2024 to £675.00 per month. 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 that appropriate Pre-action requirement correspondence had been sent to the Respondent. The Tribunal was also satisfied from the documents produced and the Applicant's oral submissions that the rent due by the Respondent has increased to £8952.15.
18. 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 had to balance the needs of the Applicant with the needs of the Respondent in arriving at a decision. The Respondent has accrued very substantial rent arrears and offered no explanation or excuse. He is living on his own in a two-bedroom flat and has paid minimal rent over the past year. The level of arrears has had a significant impact on the profitability of the Applicant's business.

19. After carefully considering the circumstances of both parties the Tribunal was in no doubt that given the very high level of rent arrears and the lack of engagement by the Respondent that the Applicant was entitled to an order for the eviction of the Respondent from the property.

Decision

20. 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.

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**

**2 September 2025
Date**