



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 109 of the Rules

Chamber Ref: FTS/HPC/EV/25/1772

Re: Property at 16/4 Saltire Street, Edinburgh, EH5 1PT (“the Property”)

Parties:

Places For People Scotland Ltd, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”) per their agents, Patten and Prentice, solicitors, 2 Ardgowan Square, Greenock, PA16 8PP (“the Applicant’s Agents)

Ms Fay Williamson, 16/4 Saltire Street, Edinburgh, EH5 1PT (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondents)

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

statutory procedure having been carried out, it is reasonable to grant the Order sought and so the Tribunal granted the Order.

Background

1. By application received on 25 April 2025 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 12 of Schedule 3 to the 2016 Act, that the tenant is in rent arrears over three consecutive months.
2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties;
 - ii) copy Notice to Leave in terms of Ground 12 of Schedule 3 to the Act dated 28 November 2023 with proof of service;
 - iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Edinburgh City Council being the relevant local authority;
 - iv) copy rent statement showing arrears of £3,629.10 due and owing at April 2025 and with no payments received since December 2024;
 - v) rent increase notices;
 - vi) pre-action requirement (PAR) letters sent to the Respondent.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 6 November 2025 at 10.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to Respondent, by Sheriff Officer service on 26 September 2025.
4. Prior to the CMD, the Applicant’s Agents submitted an updated rent statement showing the rent due to have increased to £9,210.73 with proof of sending to the Respondent.

5. Also, prior to the CMD, the Respondent submitted an email stating:
“Unfortunately I won’t be attending as my depression is very low and my anxiety is bad I left the property now”.

CMD

6. The CMD took place on 6 November 2025 at 10.00 by telephone. The Applicant was not present and was represented by Mr. O'Donnell of the Applicant's Agents. The Respondent was not present and was not represented. She did not submit any further written representations.
7. Mr. O'Donnell confirmed that the Applicant sought an eviction Order. He advised that no payment had been made since December 2024. He advised that the Applicant's had attempted to set up payment plans as recently as September 2025, but the Respondent had not taken up the offers.
8. With regard to the circumstances of the Parties, Mr. O'Donnell advised that as far as he is aware the Respondent is a single person, aged in her mid-sixties and had been in employment at the start of the tenancy in 2022. He understood that the Respondent had made payments by standing order previously and had advised that the Applicant that she cannot afford the rent on the Property. The Applicant is a housing association.

Findings in Fact

9. From the Application and the CMD, the Tribunal made the following findings in fact: -
- i) There is a private residential tenancy of the Property between the Parties commencing on 15 February 2022;
 - ii) The monthly rent was £690.00 increased to £811.35 by statutory notice;
 - iii) There are rent arrears of £9,210.73, which amounts to in excess of 11 months' rent;
 - iv) The Respondent has not made any payments in respect of rent since December 2025;

- v) The Respondent has been in rent arrears for three or more consecutive months;
- vi) A valid Notice to Leave was issued by the Applicant to the Respondent;
- vii) PAR letters were issued on behalf of the Applicant to the Respondent;

Issue for the Tribunal

10. The issue for the Tribunal was whether or not it should grant an Order for eviction in terms of Ground 12 of Schedule 3 to the Act as set out in the Application. Ground 12 states “(1) *It is an eviction ground that the tenant has substantial rent arrears.* (2) *The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if (a) the tenant has accrued rent arrears under the tenancy in respect of one or more periods, (b) the cumulative amount of those rent arrears equates to, or exceeds, an amount that is the equivalent of 6 months’ rent under the tenancy when notice to leave is given to the tenant on this ground in accordance with section 52(3), and (c) the Tribunal is satisfied that it is reasonable to issue an eviction order.* (3) *In deciding under sub-paragraph (2) whether it is reasonable to issue an eviction order, the Tribunal is to consider (a) whether the tenant being in arrears of rent over the period or periods in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, (b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers under paragraph 12(4)(b) (and continued in force by virtue of section 49 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022).* (4) *For the purpose of this paragraph (a) references to a relevant benefit are to (i) a rent allowance or rent rebate under the Housing Benefit Regulations 2006 (ii) a payment on account awarded under regulation 93 of those Regulations, (iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent, (iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980, (b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.”*

Decision and Reasons for Decision

11. The Tribunal had regard to all the information before it and to its Findings in Fact.
12. Having found that the eviction Ground has been met and that the correct statutory process has been carried out, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “*may do anything at a case management discussionincluding making a decision*” . The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.
13. The statutory ground and procedure being established, and the Application not being opposed, the issue for the Tribunal was to determine if it is reasonable to grant the Order.
14. The Tribunal, having no evidence in respect of state benefits, was satisfied the Respondent being in arrears of rent is not wholly or partly a consequence of a delay or failure in the payment of a relevant benefit.
15. The Tribunal then had regard to the circumstances of the Parties.
16. The Tribunal must establish, consider and properly weigh the “whole of the circumstances in which the application is made” (Barclay v Hannah 1947 S.C. 245 at 249 per Lord Moncrieff) when deciding whether it is reasonable to grant an order for possession.
17. The Tribunal then looked to balance the rights and interests of both parties.
18. The Tribunal accepted that the Applicant is entitled to payment of rent. relies on the rental income in order to meet the running costs of the Property. The Tribunal had regard to the fact that the Respondent has not made any payments of rent in almost a year. The Tribunal took the view that the level of rent arrears and pattern of non-payment is not tenable for either Party.

19. With regard to alternative accommodation, the Tribunal had regard to the fact that, if evicted and made homeless, the Respondents would have protection in terms of Part II of the Housing (Scotland) Act 1987 and so would be able to access advice and assistance on homelessness.

20. Accordingly, the Tribunal was satisfied that it is reasonable to issue an eviction order.

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.

Karen Moore

Legal Member/Chair

6 November 2025

Date