



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 19 of the Housing (Scotland) Act 1988 ("The Act")**

**Chamber Ref: FTS/HPC/EV/25/1190**

**Re: Property at 116 Walter Scott Avenue, Edinburgh, EH16 5RN ("the Property")**

**Parties:**

**Persimmon House Limited, Persimmon House, Fulford, York, YO19 4FE ("the Applicant")**

**Ms Fama Kane Sarr, 116 Walter Scott Avenue, Edinburgh, EH16 5RN ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order.**

**Background**

**[2] The Applicant seeks an Eviction Order under Section 19 of the Act on the basis that grounds 11 and 12 of Schedule 5 of the Act are established. The Application was accompanied by a copy of the relevant tenancy agreement; the relevant Form AT6 with Notice to Quit and evidence of service; the relevant notice under Section 11 of the *Homelessness (etc) (Scotland) Act 2003* and evidence of compliance with *The Rent Arrears pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020* and rent statements.**

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 16 December 2025. The Applicant was represented by Mr Jamie Miller, solicitor. The Respondent was represented by Mr Andrew Miller from CHAP.

[4] Mr Wilson confirmed that the Respondent was not opposed to the Application for an Eviction Order and accepted that she would have to find alternative accommodation. Mr Wilson confirmed that the Respondent accepted that she had rent arrears in the sum of £27,710.85.

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[5] Having heard from parties, the Tribunal made the following findings in fact.

## **Findings in Fact**

1. *The Applicant acquired the landlord's interest in a tenancy in terms of which the Property was let to the Respondent on an assured tenancy within the meaning of the Act;*
2. *The Respondent fell into rent arrears;*
3. *The Applicant competently served a notice under Section 19 of the Act on the basis that grounds 11 and 12 of Schedule 5 of the Act were established;*
4. *Grounds 11 and 12 relied on in the Form AT6 were established at the date of service and remain established.*
5. *The sum of £27,710.85 is resting owed as rent arrears by the Respondent to the Applicant.*
6. *The Applicant has complied with The Rent Arrears pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and Section 11 of the Homelessness (etc) (Scotland) Act 2003,*
7. *The Respondent is not opposed to the Application.*

## **Reasons for Decision**

[6] Having made the above findings in fact, the Tribunal determined that grounds 11 and 12 of Schedule 5 of the Act were established. It was also reasonable to grant the Eviction Order. The Tribunal granted the Application.

### **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.**

**Andrew McLaughlin**

Legal Member/Chair

**16 December 2025**

Date