



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/2024**

**Property: 76 Bruce Gardens, Edinburgh EH22 2LB ("Property")**

**Parties:**

**Shannon Allan, 1 Vogrie Place, Gorebridge EH23 4DH ("Applicant")**

**Jackson Boyd, Framework, 124 St Vincent Street, Glasgow G2 5HF ("Applicant's Representative")**

**Abigail MacDonald, 76 Bruce Gardens, Edinburgh EH22 2LB ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property.**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 20 January 2024 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 7 April 2025 ("Notice to Leave") with covering email dated 7 April 2025; statement of rent arrears; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email; evidence of compliance with the pre-action protocol. The Application was served on the Respondent by sheriff officer on 26 November 2025. On 7 January 2026 the Applicant's Representative lodged an updated statement of rent arrears which indicated arrears of £10,359.99. The Applicant's Representative sent a copy of the updated arrears statement to the Respondent.

### **Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 21 January 2026 by teleconference. The Applicant was in attendance and was represented by Jenna Thorpe of the Applicant's Representative. The Respondent was not in attendance.

The Applicant told the Tribunal that she had no contact with the Respondent since February 2025. She said that the Respondent had blocked her number. She said she had sent emails but the Respondent did not reply. Ms Thorpe said she had written to the Respondent in November 2025 but received no reply. The tribunal noted the arrears statement showed a payment of £1640.01 being made in November 2025. The applicant said she received a payment of £800 plus a payment of £40.01 in November then a further payment of £800 plus £40.01 in December 2025. She said she spoke with her bank but due to data protection they could not tell her the source of the payments. Ms Thorpe said that she prepared the arrears statement and it was an error that the payments were not properly shown.

The Applicant told the Tribunal that she understood the Respondent lived in the Property with her son who was aged around 2. She had understood that the Respondent's only income was from benefits but social media indicated she also did lash extensions. The Applicant told the Tribunal that her preference is to rent the Property again but she was now in debt due to the rent arrears and she would need to assess whether money required to be spent on the Property before it could be re-let. She said that if that was necessary she would probably have to sell.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 20 January 2024.
2. The Notice to Leave was served by email on 7 April 2025.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 13 May 2025.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue

an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established.

Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

### **Decision**

The Tribunal grants an order for possession of 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.**

# Joan Devine

Joan Devine  
Legal Member

Date : 21 January 2026