



**Decision 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/25/1404**

**Re: Property at 372A Easter Road, Edinburgh, EH6 8JP (“the Property”)**

**Parties:**

**Mr Abdul Jabbar, 604 Queensferry Road, Edinburgh, EH4 6AT (“the Applicant”)**

**Ms Angela Jane Miller, 372A Easter Road, Edinburgh, EH6 8JP (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Sara Hesp (Ordinary Member)**

**Decision (in absence of the Applicant)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.**

**Background**

1. By application, dated 2 April 2025, the Applicant sought an Order for Possession of the Property under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 12 of Schedule 3 to the 2016 Act, (arrears of rent over three consecutive months).
2. The application was accompanied by a copy of a Private Rented Tenancy Agreement between the Parties commencing on 21 August 2019 at a monthly rent of £1,200, a Notice to Leave, dated 3 February 2026, advising the Respondent that the Applicant was seeking an Eviction Order under Ground 12 of Schedule 3 to the 2016 Act and that an application to the Tribunal would not be made before 7 March 2025, and a Rent Statement showing arrears at 1 June 2025 of £25,893, which was subsequently replaced by an updated Rent Statement showing arrears of £28,539 at 1 June 2025. The Respondent had paid £1,200 in September 2019 but thereafter paid only £789 per month, leaving a monthly shortfall of £411. The Applicant also provided an undated letter, signed by the Respondent, in which she acknowledged the rent arrears

and that she has no means to pay. She accepted that the Property is too expensive for her and she did not resist any Order for Eviction.

3. Following a Case Management Discussion on 12 December 2025, the Tribunal decided to continue the case to a further Case Management Discussion, to enable the Respondent to seek legal advice and support should she choose to do so. The Applicant was also instructed to provide certain evidence and submissions. The Applicant did not provide any further information to the Tribunal.

### **Case Management Discussion**

4. A second Case Management Discussion was held by means of a telephone conference call on the morning of 24 February 2026. The Applicant not present or represented, his solicitors having advised the Tribunal on 29 January 2026 that they would be unable to attend. The Respondent was also present.
5. Ms Miller told the Tribunal that she had been a tenant of the Applicant for more than 20 years and regarded him as a close friend. He had accepted from her the rent she was able to pay over the years but acknowledged that she was not in a position to defend the application and that an Eviction Order would be made against her. She pointed out that she is disabled and would find it very difficult to move to alternative accommodation within the 30 days that the Order would normally require. In discussion with the Tribunal, she agreed that a period of three months would be ideal for her.

### **Reasons for Decision**

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
7. Section 51 of the 2016 Act states that the Tribunal is to 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.
8. Ground 12 of Schedule 3 to the Act states that it is an Eviction Ground that the tenant has been in rent arrears for three or more consecutive months and that the Tribunal may find that Ground 12 applies if, at the beginning of the day on which the Tribunal first considers the application for an Eviction Order on its merits, the tenant is in arrears of rent by an amount equal to or greater than the amount which would be payable as one month's rent under the tenancy on that day, and has been in in arrears of rent (by any amount) for a continuous period, up to and including that day, of three or more consecutive months, that the Tribunal is satisfied that the tenant's being in arrears of rent over that period is not wholly or partly a consequence of a delay or failure in the payment of a

relevant benefit, and the Tribunal is satisfied that it is reasonable on account of that fact to issue an Eviction Order.

9. The Tribunal was satisfied that the Respondent has been in rent arrears for three or more consecutive months and that the current arrears exceed one month's rent. No evidence had been presented to indicate that the Respondent's being in arrears might be wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. The Tribunal considered the fact that the Applicant had not provided evidence that he had complied with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 but noted that the Respondent has a social worker and other sources of support and decided that she had not been disadvantaged by the Applicant's failure to comply. Accordingly, the only matter for the Tribunal to determine was whether it was reasonable to issue an Eviction Order.
10. The Tribunal noted that, whilst the Applicant appeared to have accepted over a protracted period a sum considerably less than the rent stated in the Tenancy Agreement, it stated the rent to be £1,200 per month, so rent arrears were accruing at the rate of £411 per month. The Tribunal also noted that, whilst at the first Case Management Discussion, the Respondent had said that the contents of the letter signed by her had not been made clear to her, she had signed it and it was clear in its terms, namely that she acknowledged arrears of over £28,000 and confirmed she had no means of clearing them. The Respondent had told the Tribunal that she accepted that an Eviction Order should be made against her.
11. Having considered carefully all the evidence before it, the Tribunal decided that it was reasonable to issue an Eviction Order against the Respondent under Ground 12 of Schedule 3 to the Act.
12. The Tribunal then considered the request by the Respondent that enforcement of the Order should be delayed by a period of three months. Recognising that her disabilities and health conditions, the Tribunal had no difficulty in granting that request.

### **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.**

George Clark

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Legal Member/Chair

24 February 2026  
Date