



**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/25/4619**

**Re: Property at 56 Columba Road, Edinburgh, EH4 3RB (“the Property”)**

**Parties:**

**Mr Mansoor Akhtar Ali, 10 Brighthouse Park Gardens, Edinburgh, EH4 6GY (“the Applicant”)**

**Ms Asia Hamid, 56 Columba Road, Edinburgh, EH4 3RB (“the Respondent”)**

**Tribunal Members:**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the Property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 19 February 2026 informing both parties that a CMD had been assigned for 1 April 2026 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to

make written representations by 12 March 2026. No representations were received by the Tribunal.

4. On 17 March 2026, the Tribunal received an email from the Applicant's representative, attaching an updated rent statement.

#### **The case management discussion – 1 April 2026**

5. The CMD took place by conference call. The Applicant was represented by Mr. Aaron Doran, solicitor. The Respondent did not join the conference call and the discussion proceeded in her absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/25/4621. The Tribunal explained the purpose of the CMD.
6. The Applicant's representative explained that the Respondent lives in the Property with her 3 school aged children. Her employment status is unknown. Recently, the Respondent contacted the Applicant directly and asked for a copy of the tenancy agreement because she had to apply for benefits again. Historically, the Respondent has been in receipt of benefits and rental payments were always made by the Respondent rather than housing benefit being paid directly to the Applicant. There was a period of time when no rent was paid from June 2023 to January 2024 and the Applicant understands that related to an issue with the Respondent's benefit entitlement. There was an indication in June 2024 that the Respondent intended to move out of the Property but that did not come to pass. The last time the Respondent made a payment to the rent account was in December 2025. The Applicant's representative issued pre-action protocol letters but there has been no contact from the Respondent. The rent arrears have increased to £18,650 and the Respondent has not made any proposal to pay the arrears or the ongoing rent.
7. The Tribunal adjourned the CMD briefly to allow the members to consider the information provided. When the CMD was reconvened, the Tribunal advised the Applicant's representative that it found the eviction ground established and also concluded that it is reasonable to grant an order for eviction.

#### **Findings in Fact**

8. The Applicant is the heritable proprietor of the Property at 56 Columba Road, Edinburgh, EH4 3RB.
9. The Respondent is the tenant at the Property.

10. The parties entered into a private residential tenancy which commenced 31 March 2021.

11. The Applicant served Notice to Leave on the Respondent by sheriff officer on 24 September 2025.

12. The Respondent has been in rent arrears for more than 3 consecutive months.

### **Reason for Decision**

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.

14. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016. The rent statement lodged discloses that the Respondent has consistently been in arrears of rent since May 2023. The Respondent has not engaged with the Applicant's representative or the Tribunal. The Applicant has complied with the pre-action protocol. There is a very high balance of rent arrears now due to the Applicant. The Respondent is failing to meet her primary obligation to pay rent, has not engaged with the Tribunal and has not made any proposal to pay the rent arrears. The Tribunal was satisfied that the ground for eviction was established. In light of the information provided by the Applicant's representative, the Tribunal found that it was reasonable to grant the order for eviction.

### **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.**

# Nicola Irvine

Legal Member/Chair

1 April 2026  
Date