



**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/25/3354**

**Re: Property at 104 Niddrie Marischal Crescent, Edinburgh, EH16 4LL (“the Property”)**

**Parties:**

**Mr Tao Gao, Room 804 Building 2-1 Evergrande Yuelongtai, Intersection of Longhu Outer Ring Road and Longxiang, Longhu Street, Jinshui District, Zhengzhou, Henan, China (“the Applicant”)**

**Ms Gemma McLoughlin, 104 Niddrie Marischal Crescent, Edinburgh, EH16 4LL (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Andrew McFarlane (Ordinary Member)**

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

**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 6 August 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 Residential Tenancy Agreement between the Parties commencing on 22 February 2025 at a monthly rent of £1,000, a Notice to Leave, dated 2 June 2025, 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 2 July 2025, a Rent Statement showing arrears of

£4,000 at 22 July 2025. This was later updated on a number of occasions and the latest Rent Statement showed arrears of £11,030 at 22 March 2026. The only payment made since the date of the application had been £970 on 22 October 2025. The Applicant also provided copies of pre-action protocol letters sent to the Respondent on 29 May, 3 June and 2 July 2025, signposting her to sources of possible help and assistance.

3. On 28 February 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 21 March 2026. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 16 April 2026. The Applicant was represented by Mr Ashley Puren of Pure Property Management Limited. The Respondent was not present or represented.
5. The Applicant's representative told the Tribunal that no rent had been paid since the date of submission of the updated Rent Statement. He was not aware of any disabilities, vulnerabilities or health issues affecting the Respondent. She is understood to be in employment. She has a daughter thought to be in her late teens. The Applicant's agents had applied to City of Edinburgh Council and DWP to have housing benefit/Universal Credit paid directly to the Applicant, but the applications had been declined.

### **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 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. Accordingly, the only matter for the Tribunal to determine was whether it was reasonable to issue an Eviction Order.
10. The Tribunal noted that the arrears are substantial and long-standing and are increasing every month. The Respondent had not provided either by way of written representations or appearance at the Case Management Discussion, any information regarding her personal circumstances that she would wish the Tribunal to take into account in determining the application.
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's Decision was unanimous.

### **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

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16 April 2026  
Date