



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Sections 51 and 71 of the Private  
Housing (Tenancies) (Scotland) Act 2016**

**Chamber Refs: FTS/HPC/EV/24/2425 and FTS/HPC/CV/24/2541**

**Re: Property at 9 Old Dalmore Drive, Penicuik, Midlothian, EH26 0NG (“the  
Property”)**

**Parties:**

**Mr Gordon Fraser, Dr Aisling Hennessy, both residing at Glenveg, Tweedsmuir,  
Peebleshire, ML12 6QN (“the Applicants”)**

**Mrs Madiha Ghouri, Mr Mohammad Shahzad Shafiq, both residing at 9 Old  
Dalmore Drive, Penicuik, Midlothian, EH26 0NG; (“the Respondents”)**

**Tribunal Members:**

**Jim Bauld (Legal Member) and Melanie Booth (Ordinary Member)**

**Decisions**

**FTS/HPC/EV/24/2425**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that that the application for the order for possession  
should be granted in case reference FTS/HPC/EV/24/2425.**

**FTS/HPC/CV/24/2541**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order should be granted for payment in the sum  
of TWENTY-THREE THOUSAND SEVEN HUNDRED AND FIFTY POUNDS  
(£23,750) in case reference FTS/HPC/CV/24/2541.**

## **Background**

1. A hearing took place in respect of these applications on 18 December 2025.
2. After the hearing, the tribunal issued a detailed note. Reference is made to that note, and it should be read in conjunction with this decision.
3. The tribunal determined on 18 December 2025 not to make a final decision in respect of the applications, but to allow the respondents a period of eight weeks to make certain payments.
4. The payments to be made were payments in settlement of the entire arrears which were outstanding on 1 December 2025 namely £19,950, together with payments of rent as it fell due in January 2026 and February 2026 of £950 each month.
5. Payments were to be made no later than 12 February 2026.
6. On 13 February 2026 the applicant's representative emailed the tribunal to indicate that no payments had been made.
7. The tribunal fixed a further hearing to take place on 24 April 2026.

## **The hearing of 24 April 2026**

8. The hearing took place on 24 April 2026 via telephone case conference.
9. The applicants were not present but were represented by their letting agent, Jonathan Dobbie of Saltouns Lettings 61a Queen Street, Edinburgh EH2 4NA. The second named respondent, Mr Shafiq was personally present. He explained that the first named respondent Ms Ghouri was unable to attend as she was looking after their child.
10. Mr Dobbie confirmed that no payments have been made towards rent since the previous hearing and that arrears now stood at £23,750. The respondents had failed to make the promised payments towards the arrears which had existed in December. The respondents had failed to pay the rent as it fell due in January 2026 and February 2026. The respondents had also failed to pay the additional rent payments which fell due in March 2026 and April 2026.
11. Mr Dobbie asked the tribunal to grant both the eviction order and the payment order. He requested that the sum claimed be increased to £23,750. He had intimated that increased sum by email prior to the hearing.

12. Mr Shafiq indicated to the tribunal that after the hearing in December it was his intention to obtain the relevant funds from his father who was in Pakistan. Regrettably his father died suddenly and unexpectedly on 5 January 2026. Mr Shafiq has therefore been unable to obtain any money from that source. He indicated that it will take many months to resolve his father's estate.
13. Mr Shafiq indicated that he is currently in the process of pursuing a personal injury claim. He has instructed a firm of solicitors to act on his behalf in that matter. He indicated that he has received two offers which have both been rejected. The most recent settlement offer was £10,000. He indicated that he would be in receipt of the settlement funds in respect of this claim in a very short period of time and would undertake to pay them to the applicant. He also indicated that he now had the money to make the payment of the rent which were due on 1 May 2026 and would make that payment next week. He indicated that the monthly rental payment had not been paid because he had been affected by his father's death. While the tribunal is sympathetic to Mr Shafiq in respect of the loss of his father, that does not excuse the failure to make the monthly payments which were due, and it certainly does not explain the failure to make the monthly payment which was due on 1 January 2026.
14. The tribunal noted the information provided by the respondent and asked the applicant's representative whether he was willing to allow any further period of time to enable the respondents to make the promised payments.
15. The applicant's representative indicated that he was not willing to allow any further delay in respect of the payments. He wished the orders to be granted.

### **Decisions and reasons**

16. The tribunal has no hesitation in granting both orders. The reasons for the granting these orders are set out in the note issued after the hearing on 18 December 2025.
17. It is reasonable to grant the eviction order. The respondents have failed to pay rent for a considerable period of time. They have indicated twice to this tribunal that rental payments would have been made. They indicated at a case management discussion ("CMD") on 28 February 2025 that rental payments would recommence in April 2025. At that date arrears stood at £10,4560. They also agreed to clear arrears at the hearing of 18 December 2025. They have failed to make those payments. Arrears have more than doubled since the CMD of 28 February 2025. When the payment application under reference number 2541 was lodged with the tribunal on 4 June 2024 arrears stood at just £1,900. They are now more than 12 times that amount.
18. Rent arrears now stand at £23,750. That is by any definition a very large amount of arrears. In this case it amounts to 25 consecutive missed monthly payments.
19. The applicants are entitled to the order for payment in the amended sum of £23,750.

20. The applicants are entitled to the eviction order. It is reasonable that the eviction order is granted for the reasons set out in full in the tribunal's note following the hearing of 18 December 2025.

21. The eviction order is the inevitable consequence of the respondents' continuing failure to pay rent for a period which now exceeds two years and for their failure on two occasions to fail to make payments despite promising to do so at a tribunal hearing.

22. The decision of the tribunal is 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.**

James Bauld

24/04/2026

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**Legal Member/Chair**

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**Date**