

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under**

Chamber Ref: FTS/HPC/EV/25/5380

**Re: Property at 109/7 (1F3) Broughton Road, Edinburgh, EH7 4EQ (“the
Property”)**

Parties:

**Ms Denise Borland, Sawmill Cottage, Friendly Park, Brechin, DD9 6RF (“the
Applicant”)**

**Mr John Leary, 109/7 (1F3) Broughton Road, Edinburgh, EH7 4EQ (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

BACKGROUND

1. By lease dated 22 and 23 June 2020 the Applicant let the Property to the Respondent.
2. The start date of tenancy was 25 June 2020.
3. Rent was initially £800.00 per calendar month. During the currency of the lease rent was increased to £958.00 per calendar month.
4. The Respondent fell into arrears of rent at the start of 2023. Arrears increased throughout 2023 and into 2024 resulting in the Applicant serving a notice to

leave on the Respondent and thereafter presented an application to the Tribunal seeking an order for eviction.

5. The previous application to the Tribunal proceeded to a hearing on 25 July 2025. As at that date arrears of rent amounted to £11,728.50.
6. At that hearing, the Respondent opposed an eviction order on the basis it was not reasonable for such an order to be granted. Information was provided to the Tribunal explaining the circumstances in which arrears of rent had arisen, the Respondent also advising the Tribunal that he was now in a position to make payment of rent on an ongoing basis and to make payment separately towards the arrears.
7. After hearing evidence at the hearing on 25 July 2025 the Tribunal refused to grant an order for eviction.
8. Thereafter, however, the Respondent did not maintain payments of monthly rent and was unable to reduce the arrears. Arrears of rent increased.
9. A notice to leave dated 6 November 2025 was served upon the Respondent. This Notice intimated that an eviction order was being sought on the basis the Respondent was in rent arrears for over three consecutive months.
10. Correspondence was forwarded to the Respondent in compliance the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020
11. An application dated 7 December 2025 was presented to the Tribunal seeking an order for eviction.
12. A Notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
13. A rent statement was submitted with the application. The rent statement indicated that, as of 25 November 2025 arrears of rent amounted to £12,666.50.

THE CASE MANAGEMENT DISCUSSION

14. The Applicant did not participate personally in the Case Management Discussion but was represented by Mr A Puren of Pure Property Management Edinburgh Ltd. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the Respondent had

received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.

15. Mr Puren moved the Tribunal to grant an order for eviction. He advised that arrears of rent now amounted to £14,879.50. The last payment received from the Respondent was in the sum of £359.00 received on 18 March 2026. Prior to that the last payment received was £300.00 on 3 February 2026.
16. Mr Puren advised the Tribunal that there has been no engagement by the Respondent with the Applicant or the letting agents. Mr Puren advised members of his staff recently carried out a routine inspection of the Property. The Respondent was hostile towards staff members and, as such, they were reluctant to discuss the arrears of rent with him directly.
17. Emails have been sent to the Respondent advising him of the arrears and requesting payment. These emails have also directed him to links for support. It is the practice of Mr Puren's company to send monthly emails to tenants in relation to arrears of rent.
18. Given the lack of engagement by the Respondent with the Applicant or the letting agents Mr Puren was not aware of any change of personal circumstances of the Respondent. As far as he is aware the Respondent resides at the Property himself. It is a two-bedroom property. The monthly rental payments remain at £958.00 per month.
19. The Applicant has contacted the local authority with a view to hopefully obtaining the housing element of any benefits being paid directly to the Applicant. There has been no success with that.
20. Having regard to:-
 - the significant arrears of rent;
 - the lengthy period of time over which the Respondent has been in arrears of rent, arrears arising at the start of 2023 and having steadily increased since;
 - the assurances given to the Tribunal at the Hearing on 25 July 2025 that rent would be paid on a monthly basis and payments would be made to the arrears, which assurances have not been complied with;
 - the absence of any submissions or representations by the Respondent in relation to the application; and
 - the failure of the Respondent to participate in the Case Management Discussion resulting in there being no opposition to the application, the Tribunal considered it reasonable to grant an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of said Act.

Order not to be executed prior to 12 noon on 24 June 2026

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.

Virgil Crawford

18 May 2026

Legal Member/Chair

Date