



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 50 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/4458**

**Re: Property at 2/3 Succoth Court, Edinburgh, EH12 6BZ (“the Property”)**

**Parties:**

**Mr Russell Munro, Vari Addis, 31 Braid Road, Edinburgh, EH10 6AN; 49 Craigmaddock Road, Edinburgh, EH3 3PH (“the Applicant”)**

**Ms Mia Maria Law, 2/3 Succoth Court, Edinburgh, EH12 6BZ (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member) and Elaine Munroe (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 12 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.**

**Background**

1. Two applications were made under Rule 111 and 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment and an

order for recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.

2. The applications contained: -
  - a. the tenancy agreement,
  - b. the notice to leave with evidence of service
  - c. section 11 Notice with evidence of service
  - d. rent statement
  - e. emails to the tenant about rent arrears
  
3. A case management discussion took place on 18 May 2026. In attendance were the applicants, Mr Munro and Mrs Addis. Notice of the Case Management Discussion had been made by the sheriff officers. The respondent did not appear. The tribunal was prepared to proceed in their absence, given they had notice of the Case Management Discussion.

#### Discussion

4. The applicants advised that they sought an eviction order under ground 12 - 3 months' rent arrears and an amended order for payment of £3,839.
  
5. There were at least 3 months' rent arrears as at the date of the notice to leave being served. The notice to leave was served on 25 June 2025, and it was live to bring an application on 15 August 2025. The current situation as of May 2026 was that arrears were £3,839. The rent arrears had accrued because the tenant had not paid the balance of the rent increases. She had continued to pay the original rent due. The applicants had attempted to engage with the respondent over a long period. The engagement had included attempts to telephone, attend to the property and e-mail the tenant. The tenant had ignored or otherwise failed to respond to all attempts made by the landlords to resolve the unpaid rent. The applicants advised that they were not certain that the tenant was in fact still residing in the property full-

time; however, they could not be certain of this. They were concerned about whether the respondent's conduct might invalidate their insurance.

6. As there had been no discussion whatsoever with the respondent in relation to the unpaid rent arrears, and as the arrears kept on accruing, and they were concerned that the property may not be lived in on a full-time basis by the respondent, then, in all the circumstances, he sought an order for the eviction. In addition, they sought an order for payment for the outstanding rent arrears.
7. They advised that the respondent had resided within the property with her two children, who were of school age. Neighbours had advised not seeing the family as regularly as before. The applicants have no further information regarding the respondent's situation. The applicants also raised some concerns regarding the condition of the property, as they had to replace a carpet due to carpet moths and a broken kitchen sink.

### Findings in Fact

8. The Tribunal found the following facts established: -
9. There existed a private residential tenancy.
10. The tenant was Ms Mia Maria Law.
11. The landlord was Mr Russell Munro, Vari Addis.
12. The property was 2/3 Succoth Court, Edinburgh, EH12 6BZ.
13. It had commenced on 16 April 2021.
14. The tenancy stated that rent was £1300 a calendar month payable in advance.
15. Since 15 December 2024 the rent had increased to £1446.
16. The notice to leave was served on 25 June 2025; it was live to use on 15 August 2025. It advised that there were three months of rent arrears when it was served. They amounted to £749. There was evidence of service.
17. A section 11 notice had been served. There was evidence of service.
18. As of 18 May 2026, the rent arrears had increased to £3,839.00.
19. There had been rent increase notices served on the respondent.

20. The respondent had failed to pay the balance of the rent increases. The rent arrears had been steadily accruing.
21. There was evidence that the pre-action protocol requirements had been followed.
22. There was no evidence of failure or delay in any benefit payment to the respondent.
23. The respondent had failed to enter into a repayment arrangement with the landlord.
24. The respondent would not engage in any discussion with the applicants about the arrears. The applicants were not certain if the respondent continued to reside in the property on a full-time basis.

### Reasons for Decision

25. Section 51 of the 2016 Act provides the Tribunal with the power to grant an order for eviction for a private residential tenancy if it finds that one of the grounds in Schedule 3 of the Act applies.
26. The ground which the Applicant seeks eviction under is ground 12. It is in the following terms :-

#### *12 Rent arrears*

*(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.*

*(2) [...]2*

*(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—*

*(a) for three or more consecutive months the tenant has been in arrears of rent, and*

*(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.*

*(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider [—] 3 [*

*(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and*

*(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations. ] 3*

*(5) For the purposes of this paragraph— ...*

27. The applicants confirmed that they sought an order for eviction based on the fact that the respondent had been in rent arrears for three or more consecutive months. When the notice to leave was served the arrears were over £700, the arrears are now £3839. The respondent had been in rent arrears for over three months. The arrears had started to accrue from when the applicant increased the rent for the property. There did not appear to be any benefit issues which were causing the arrears. The first part of ground 12 was met.

28. Given that the first part of the ground is met, the tribunal is therefore required to proceed to consider if it would be reasonable to grant the order.

29. We find it would be reasonable to grant the order for eviction; in coming to this conclusion, we took into account the following matters:-

30. The arrears were now more than £4,000.00, if as the applicants advised, the further shortfall in May's rent was applied. Arrears had been accruing steadily since the applicants had increased the rent. The respondent had made no payments at all towards the arrears. There were no proposals to repay the arrears. The respondent had ignored all efforts by the applicants to discuss this issue. The respondent may no longer be living in the property full-time. The respondent had not appeared at the case management discussion. All of these matters would point towards it being reasonable to grant the order.

31. The respondent resides in the property with her two children. This would be a factor to be considered against making an order. However, this fact alone is not sufficient to lead us to consider that it would not be reasonable to grant the order. The tribunal was not aware of any other particular mitigation on the part of the respondent. The respondent had been served with the application papers, the notice to leave and the pre-action letters and had not responded to any contact made; and did not appear to oppose the

application. Given all of the above, we consider it would be reasonable to grant an order for eviction.

32. Accordingly, considering the papers before us and the oral submission by the applicants, the tribunal was prepared to grant the order for recovery of possession, given that the first part of ground 12 was met and in all the circumstances it appeared to us to be reasonable to grant the order.

### Decision

33. The Tribunal grants an order in favour of the Applicants against the Respondent for recovery of possession of the private residential tenancy under ground 12 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

### **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.**

# M Barbour

19 May 2026

---

Legal Member/Chair

---

Date