

Housing and Property Chamber

First-tier Tribunal for Scotland



Decisions 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/CV/25/4050 and FTS/HPC/EV/25/4421

Re: Property at 75 Baronet Park, Newton Village, Dalkeith, EH22 1GE (“the Property”)

Parties:

Mr Simon Parkes, c/o Neil Reid Property, 63 Pendreich Avenue, Bonnyrigg, EH19 2EE (“the Applicant”) and

Neil Reid Property, 63 Pendreich Avenue, Bonnyrigg, EH19 2EE (“the Applicant’s Representative”) and

Mr Morgan Salt, 75 Baronet Park, Newton Village, Dalkeith, EH22 1GE (“the First Respondent”) and

Miss Kirsty Squire, 75 Baronet Park, Newton Village, Dalkeith, EH22 1GE (“the Second Respondent”).

Tribunal Members:

G McWilliams- Legal Member

A Moore - Ordinary Member

Decisions

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows:

- 1) To grant an eviction order; and**
- 2) To grant an order for payment to the Applicant, Mr Simon Parkes, by the First and Second Respondents, Mr Morgan Salt and Miss Kirsty Squire, jointly and severally, of the sum of £11,107.00.**

Background

1. These are Applications for an eviction order in terms of Rule 109 (Application for an eviction order) and for a payment order in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier Tribunal for

Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion on 11th May 2026

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10am on 11th May 2026. The Applicant’s Representative’s Mr N. Reid attended. The First and Second Respondents, Mr Salt and Miss Squire did not attend, were not represented and there was no explanation for their absence. The Tribunal had noted that Sheriff Officers had served the papers in respect of both Applications, and the details of the CMD, on Mr Salt and Miss Squire by delivering the relevant documents personally to Miss Squire at the Property on 26th March 2026.
3. Mr Reid referred to the Applications and subsequent e-mails which he had sent to the Tribunal’s office. He stated that he has recently been contacted by Miss Squire and understands that she may have left the Property or is in the process of doing so, and that Mr Salt remains resident within the Property. He said that he has not had any contact from Mr Salt since September 2025. Mr Reid stated that the rent arrears now owing by Mr Salt and Miss Square are in the sum of £11,107.00. He said that Mr Parkes, and his partner Emily McNeill, co-owner of the Property, have recently had to return to Scotland from their place of residence in Dubai given the conflict in that country. Mr Reid stated that Mr Parkes and Ms McNeill may have to reside within the Property in the short-term given this change in their circumstances. He said that their intention remains to sell the Property. Mr Reid asked the Tribunal to grant the orders sought in both Applications, with the payment order amount being in the sum of £11,107.00.

Findings in Fact and Law and Reasons for Decisions

4. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a PRT if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
6. Section 71 of the 2016 Act provides as follows:
 - (1) In relation to civil proceedings arising from a private residential tenancy-
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
 - (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
 - (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.

7. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order and order for payment of unpaid rent against a tenant (such as the Respondents) in respect of a tenancy such as the tenancy agreement of the parties.
8. Having considered all of the Applications papers and the submission of Mr Reid, the Tribunal finds in fact that the Applicant, Mr Parkes, through his Representative, has provided the Tribunal, in his Application for an eviction order, with copies of the parties' PRT, the Notice to Leave ("NTL") served on the First and Second Respondents, Mr Salt and Miss Squire, and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Midlothian Council. All of these documents and forms have been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation have been correctly followed and applied. The Application for an eviction order proceeds in terms of Schedule 3(1) to the 2016 Act. The Tribunal also finds in fact that the Applicant, Mr Parkes, wishes to sell the Property. The Tribunal further finds that the current rent arrears owing by Mr Salt and Miss Squire to Mr Parkes are in the sum of £11,107.00.
9. In making its findings in fact the Tribunal relied on the documentation within the Applications and the oral submission of Mr Reid, the terms of which were consistent with the terms of the relevant documentation.
10. Further, the Tribunal, in making their findings in fact, placed reliance on the absence of any contradictory information or submissions from Mr Salt and Miss Squire. The papers in respect of both Applications, and details of the CMD, had been served effectively on them by Sheriff Officers on 26th March 2026. Mr Salt and Miss Squire are aware of the important nature of the Applications but have not lodged any representations regarding their merits and the reasonableness of the grant of the orders sought.
11. Accordingly, the Tribunal finds in law that the ground in Schedule 3(1) to the 2016 Act is met as the Applicant, Mr Parkes, intends to sell the Property and, also, that it is reasonable that an eviction order be granted. The Tribunal also find in law that Mr Salt and Miss Squire are obliged to pay rent to Mr Parkes in terms of the parties PRT. They find that Mr Parkes is entitled to be granted an order for Mr Salt and Miss Squire's payment to him of the sum of £11,107.00, in respect of rent arrears. The Tribunal are satisfied that it is appropriate to make an order in this amount given that it is in a lesser sum than the rent arrears amount previously intimated as being the payment order sum sought.
12. The Applicant, Mr Parkes, may submit a fresh Application to the Tribunal for a further payment order in respect of other rent arrears owing.

Decisions

13. Therefore, the Tribunal makes an order for eviction of the First Respondent, Mr Morgan Salt, and the Second Respondent, Miss Kirsty Squire, from the Property at 75 Baronet Park, Newton Village, Dalkeith, EH22 1GE and, also, an order for

payment to the Applicant, Mr Simon Parkes by the First Respondent, Mr Morgan Salt, and the Second Respondent, Miss Kirsty Squire, jointly and severally, of the sum of £11,107.000.

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.

**G McWilliams
Tribunal Legal Member**

11th May 2026