



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/25/5404

Re: Property at 24 Broomburn Grove, Edinburgh, EH12 7NN (“the Property”)

Parties:

Ms Shirley Caw, 12 Saughton Crescent, Edinburgh, EH12 5SH (“the Applicant”)

Ms Leigh Strachan, 24 Broomburn Grove, Edinburgh, EH12 7NN (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Mary Lyden (Ordinary Member)

Decision

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 15 December 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 6 November 2020 at a monthly rent of £950 per month, a Notice to Leave, dated 13 November 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 14 December 2025, and a Rent Statement showing arrears at 6 December 2025 of £10,350. The Applicant also provided copies of a pre-action protocol letter to the Respondent dated 29 September 2025. The application stated that the Respondent has been in

arrears since 2023 and that that the Applicant has to meet monthly mortgage payments despite the lack of regular rent payments by the Respondent.

3. On 22 May 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 12 June 2026. On 24 June 2026, Community Help and Advice Initiative, Edinburgh (“CHAI”), acting on behalf of the Respondent, advised the Tribunal that she was not opposing an Eviction Order.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the Morning of 25 June 2026. The Applicant was represented by Ms Simone Callaghan of TC Young solicitors, Glasgow. The Respondent was represented by Ms Sophie Bennett of CHAI.
5. The Applicants’ representative told the Tribunal that the rent arrears have increased to £13,500 as at 6 June 2026. The Respondent’s representative told the Tribunal that she was not contesting the application. She is 48, and unemployed. She lives alone in the Property, which is a 3-bedroom house, her family having grown up and moved away. She has an appointment tomorrow for a homelessness assessment and has sought the advice of CHAI in relation to her situation.

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 very substantial and long-standing and are increasing every month and that this is causing financial difficulty for the Applicant who has to meet monthly mortgage payments. The Respondent has obtained advice from CHAI, who have confirmed on her behalf that she is not opposing an Eviction Order, and she has taken steps to seek accommodation from the local authority if an Eviction Order is issued against her.
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.

G.Clark

Legal Member/Chair

25 June 2026
Date