



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/26/0939

Re: Property at 27/2 West Pilton Gardens, Edinburgh, EH4 4EF (“the Property”)

Parties:

Mr Patrick Chauraya, 118 Saughton Mains Gardens, Edinburgh, EH11 3GU (“the Applicant”)

Mr Patrycjusz Orlowski, Aneta Orlowska, 27/2 West Pilton Gardens, Edinburgh, EH4 4EF (“the Respondents”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 1st March 2021 at a monthly rent of £850, a notice to leave with evidence of service, a section 11 notice with evidence of service, evidence of intention to sell, an affidavit from the Applicant, and a rent statement showing arrears in the sum of £20,500.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondents by Sheriff Officer on 31st July 2026.
3. By email dated 24th August 2026, the Applicant representative lodged an updated rent statement showing arrears in the sum of £25,600.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 8th September 2026. The Applicant was not in attendance and was represented by Ms Doyle, Solicitor. The Respondents were not in attendance. The start of the telephone conference was delayed to allow the Respondents to join the call. The Respondents did not join the call.
5. The Tribunal considered the terms of Rule 29 of the Procedural Rules. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
6. Ms Doyle said there had been no contact by, or correspondence from, the Respondents for over a year. No rent has been paid since May 2025. A further rental payment for September is now due. The Applicant was made redundant two months ago and is now working as a delivery driver. There is a mortgage on the Property and the Applicant is having to pay the mortgage with his credit card.
7. Responding to questions from the Tribunal, Ms Doyle said the Applicant has tried visiting the Respondents and talking to them about the situation, with no response. Debt correspondence which would satisfy the pre-action protocol was sent by Ms Doyle to the Respondents in September and October 2025, with no response.
8. Responding to questions from the Tribunal, Ms Doyle said the Applicant does not know the reason for the non-payment of rent over the years. Payments have always been sporadic. Ms Doyle said, as far as she was aware, the Respondents do not have any children living at the Property. No information is known about their employment position. It is not known whether there are any social or health problems of which the Tribunal should be aware. There is no indication that the Respondents are in receipt of benefits. The Respondents have not made the Applicant aware that they are withholding rent for any reason.
9. Ms Doyle submitted that it was reasonable to grant an eviction order.

Findings in Fact and Law

10.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 1st March 2021 at a monthly rent of £850.
 - (ii) Notice to leave has been served upon the Respondents.

- (iii) The Applicant intends to sell the Property.
- (iv) The Applicant is entitled to sell the Property.
- (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondents ceasing to occupy the Property.
- (vi) No rent has been paid by the Respondents since May 2025.
- (vii) Significant arrears of rent have accrued.
- (viii) The Respondents have disengaged and are not corresponding with the Applicant or his representative.
- (ix) The Applicant is suffering financially as a result of the Respondents' failure to pay rent and address the arrears.
- (x) It is reasonable to grant an eviction order.

Reasons for Decision

11. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
12. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
13. The Applicant's affidavit discloses financial difficulties, stating that he has used credit cards to pay the mortgage on the Property. The Applicant is reliant on the tenants of this property and his other rented properties paying the rent to service loans on other properties. The Applicant has stated that he has to sell the Property to stabilise his family's financial position.
14. The Respondents have not paid rent since May 2025. The arrears are now substantial and rising. The Respondents did not see fit to attend the CMD or make any representations to assist the Tribunal in considering reasonableness. The Tribunal was unable to assess the likely effect of an eviction order upon the Respondents in the absence of any representations. The Respondents have disengaged and are making no effort to pay the rent or address the arrears. The Tribunal considered it likely that, if no order was granted, the arrears would continue to rise, and the Applicant's financial situation would deteriorate further. The Tribunal considered the tenancy is not sustainable.

15. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondents to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondents failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

16. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 12th October 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.

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Legal Member/Chair

Ms H Forbes

8th September 2026
Date