



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/26/1073

Re: Property at 22/6 Burdiehouse Terrace, Edinburgh, EH17 8AQ (“the Property”)

Parties:

Home Group Limited, One Strawberry Lane, Newcastle, Upon Tyne, NE1 4BX (“the Applicant”)

Ms Kimberley Pitbladdo, 22/6 Burdiehouse Terrace, Edinburgh, EH17 8AQ (“the Respondent”)

Tribunal Members:

Robert MacDonald (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 that the provisions of paragraph 12 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case. The Tribunal therefore made an eviction order under section 51 of the 2016 Act. In terms of section 54(1) of the 2016 Act, the Private Residential Tenancy between the parties will end on 7th November 2026.

Background

1. This is an application dated 9th March 2026 for an Eviction Order under Section 51 of the 2016 Act and Rule 109 of the Firsttier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, (“the Rules”). The Applicant relied upon Ground 12 of Schedule 3 to the 2016 Act as the ground for eviction, namely that the Respondent had been in arrears of rent for three or more consecutive months.
2. The application was accepted by the Tribunal as valid on 28th May 2026. A Case Management Discussion was set down to take place on 8th October 2026 at 2pm by teleconference. The Tribunal gave notice of the Case Management Discussion to the

parties in accordance with Rule 17.2 of the Rules. The Notice was served on the Respondent by Sheriff Officers on 11th August 2026 by letterbox service.

3. The Tribunal invited the Respondent to make written submissions in response to the application to the Tribunal by 29th August 2026. No representations were received from the Respondent.

Case Management Discussion

4. The Case Management Discussion took place on 8th August 2026. The Applicant was represented by Ms Simone Callaghan, paralegal, TC Young & Co, Solicitors, Edinburgh. There was no appearance by or on behalf of the Respondent. The Tribunal delayed the start of the Case Management Discussion until 14:10 to give the Respondent an opportunity to call in. She did not do so, nor did she attempt to join the Case Management Discussion late.
5. The Tribunal had the following documents before it:-
 - a. Form E Application Form;
 - b. Headlease between the Applicant and Home in Scotland Limited in terms of which the Applicant was the tenant and Home in Scotland Limited was the landlord of the property;
 - c. Private Residential Tenancy Agreement between the Applicant and the Respondent which commenced on 25th April 2022;
 - d. A copy of the Notice to Leave and proof of delivery of the Notice on the Respondent on 13th January 2026;
 - e. Copy Section 11 Notice in terms of the Homelessness etc. (Scotland) Act 2003 and proof of delivery to Edinburgh City Council on 9th March 2026;
 - f. Rent account;
 - g. Copy correspondence in terms of the rent arrears pre action requirements.
6. The Tribunal heard submissions from Ms Callaghan in support of the application. She explained to the Tribunal that the Respondent had been residing in the property since 25th April 2022. The initial monthly rent was £695.46. There had been a number of rent increases since then and the current monthly rent was now £865.65.
7. She advised that when the Notice to Leave was served on the Respondent, the arrears of rent amounted to £3887.50. At the date the application was lodged with the Tribunal, the arrears of rent were £3896.64. The current rent arrear on the property was £9351.52. As evidenced by the rent account, nothing had been paid towards the rent since April 2026.
8. Ms. Callaghan submitted that Applicant had complied with the pre action requirements. It had continued to attempt to contact the Respondent and sign post her to the relevant assistance available to her. There had been efforts to enter into a reasonable repayment arrangement with her. She had struggled to maintain the rent account since the start of the tenancy. There had been previous repayment arrangements which she had defaulted on. Since then, she had not made regular payments and not adhered to a repayment plan. As a result, the arrears currently outstanding had largely arisen since July 2025. The Respondent had advised the Applicant in August 2025 that she had been off work as a result of her fiancé being in hospital.
9. Ms. Callaghan submitted that the Applicant was a mid-market rental property landlord. The Applicant required rental income from properties such as this to put back into the maintenance of rental properties and to build further properties to make them available for other tenants. The significance rent arrears in this case left the Applicant with less ability to fund repairs and to fund the team that provided support to tenants.

10. Ms. Callaghan advised that the Applicant was not sure whether there was anybody else living in the property with the Respondent. It understood that the Respondent was 31 years of age. The most recent communication it had with the Respondent was on 5th October 2026 when she had indicated that she had applied for housing benefits and adult disability payments but that she was also receiving universal credit. The Applicant did not think there were any children living in the property. The Applicant did not have any information about the Respondent's employment status.
11. Ms. Callahan submitted that the Applicant had followed the statutory procedures. She pointed out that the Respondent had been given the opportunity to attend today's Case Management Discussion. She had been invited to lodge a response. She had done neither of these things and that the Tribunal in all the circumstances should be satisfied that it was reasonable to grant an order for eviction.
12. The Tribunal adjourned the Case Management Discussion to deliberate outwith the presence of the Applicant's representative. After the adjournment the Tribunal resumed the Case Management Discussion and confirmed the outcome.

Findings in Fact and Law

13. The Applicant is the landlord of the property which it rents from Home in Scotland Limited. It in turn is the landlord and the Respondent is the tenant of the property in terms of a Private Residential Tenancy Agreement which commenced on 25th April 2022.
14. The Applicant served a Notice to Leave as defined by Section 62 of the 2016 Act on the Respondent by Sheriff Officers on 13th January 2026. In terms of that Notice, the Respondent was advised that an application might be submitted to the Tribunal for an Eviction Order after 13th February 2026.
15. A Notice in terms of Section 11 of the Homelessness etc. (Scotland) Act 2003 was sent on behalf of the Applicant to Edinburgh City Council on 9th March 2026.
16. An application was made to the Tribunal on 9th March 2026.
17. At the time the Notice to Leave was served on the Respondent, there were rent arrears of £3887.50.
18. On the date the application was lodged with the Tribunal, there were rent arrears of £3896.64.
19. As at the date of the Case Management Discussion, there were rent arrears of £9351.52.
20. The Applicant had complied with the pre action protocol requirements.
21. No payment of rent had been made by the Respondent since April 2026.
22. The Respondent has been in rent arrears for three or more consecutive months.
23. An employee of the Applicant spoke to the Respondent on 5th October 2026, at which time she was still living in the property, and she advised that she was applying for benefits.
24. There was no proposal by the Respondent to pay the rent arrears or meet the ongoing obligation to pay the rent.
25. There was no evidence of failure or delay of any benefit payment to the Respondent.
26. The Applicant relies on rental payments from tenants such as the Respondent to fund repairs and to provide housing.
27. The Respondent did not lodge a written submission with the Tribunal and was not present or represented at the Case Management Discussion.
28. The Respondent had reported to the Applicant some personal difficulties including the death of her father, ill health on the part of her fiancé and some mental health difficulties.

29. It is reasonable to make an Eviction Order.

Reasons for Decision

30. The Tribunal was satisfied having considered all the documentary evidence and the submissions from the Applicant's agent at the Case Management Discussion that it had sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application. In the absence of any appearance on or behalf of the Respondent, the order was not opposed.
31. The Tribunal was satisfied there was no need to fix a hearing in this case.
32. The Tribunal was satisfied that the Applicant had complied with the statutory requirements in relation to service of a Notice to Leave on the tenant and intimation on the Local Authority.
33. The Tribunal was satisfied the Applicant had complied with the pre action protocol.
34. The Tribunal was satisfied the Respondent had been in arrears of rent for three or more consecutive months.
35. The Tribunal noted the significant extent of the rent arrears and the fact that no payment had been made towards the rent since April 2026.
36. The Tribunal considered the Respondent's circumstances insofar as the Tribunal were aware of them. The Tribunal noted that the Respondent had reported to the Applicant's various issues including a recent bereavement, the ill health of her fiancé and the fact that she was applying for benefits. She had however failed to engage with the Tribunal. She had not lodged any written submission in this case and had not attended the Case Management Discussion to indicate any opposition to the application.
37. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it. The Tribunal required to identify the factors relevant to reasonableness and to determine how much weight should be applied to them.
38. The Tribunal took into account the fact that the Respondent had not paid rent since April 2026 and that no proposal was put forward by the Applicant in relation to meeting her ongoing rental liabilities or addressing the arrears, and that the Respondent had not opposed the granting of the order. There had been previous attempts to reach agreement with the Respondent regarding repayment of her arrears. The Tribunal determined that in the absence of any current proposal by the Respondent to pay the rent and arrears it should attach significant weight to the rent history in this case.
39. The Tribunal was satisfied that the provisions of paragraph 12 of Schedule 3 of the 2016 Act had been met in this case.
40. Having considered all the factors relevant to reasonableness that were placed before the Tribunal, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
41. The decision of the Tribunal was unanimous.

Decision

42. The Tribunal granted an order against the Respondent for the eviction of the Respondent from the property under Section 51 and under ground 12 of Schedule 3 to the 2016 Act.

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.

Robert MacDonald

8.10.2026

Legal Member/Chair

Date