



**Decision 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/23/0620**

**Re: Property at 9 EASTER LANGSIDE DRIVE, DALKEITH, EDINBURGH, EH22  
2FR (“the Property”)**

**Parties:**

**MS AQILA SYED, 18 FERRY ROAD AVENUE, EDINBURGH, EH4 4BL (“the  
Applicant”)**

**MS STACIE CAMPBELL, 9 EASTER LANGSIDE DRIVE, DALKEITH,  
EDINBURGH, EH22 2FR (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant is entitled to the Order sought for  
recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
2. By decision dated 17 March 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 21 March 2023. The Tribunal intimated the application to the parties by letter of 24 April 2023 and advised them of the date, time and conference call details of today’s case management discussion (“CMD”). In that letter, the parties were also told that they required to take part in the discussion and were informed that

the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 15 May 2023. No written representations were received.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant was present and represented by Ms Rosaleen Doyle and the Respondent was present. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/23/1125. The Applicant's representative explained that no payments have been made towards the rent account since May 2022 and that the sum now due in respect of rent arrears is £11,900. The Respondent explained that she lives in the property with her 2 children. She was in receipt of universal credit but was told by the department for work and pensions that the housing element of her universal credit claim stopped because her tenancy expired. That is the reason she has not paid rent. She has been in contact with the local authority and has been told that nothing can be done to rehouse her unless and until an eviction order is granted. The Respondent was not opposed to the application being granted.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 20 May 2021.
6. A representative of the Applicant served the Notice to Leave on the Respondent personally on 21 October 2022.
7. The Applicant intends to live in the property as her principal home in order to alleviate financial hardship.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent was not opposed to the order being granted. The rent arrears are substantial and have been outstanding for a considerable period of time. The Respondent has not paid rent since May 2022. The information before the Tribunal was that the Applicant is suffering financial hardship as a result of the Respondent's failure to pay rent. There was no indication that rent payments would recommence. The Applicant is prejudiced by the ongoing failure to pay rent. The Tribunal was satisfied that the ground for eviction was established and that it was reasonable to grant the order evicting the Respondent from the property.

## **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

**Nicola Irvine**

**Legal Member/Chair**

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**30 May 2023**

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**Date**