



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/25/3720

Re: Property at 11, Flat 15, Russell Gardens, Edinburgh, EH12 5PG (“the Property”)

Parties:

Ms Ashleigh Morris, 1 Cypress Road, Rugby, CV21 1SA (“the Applicant”)

Mr Mohammed Faisal Ahmed, Petruta Tatar, 11, Flat 15, Russell Gardens, Edinburgh, EH12 5PG (“the Respondents”)

Tribunal Members:

Virgil Crawford (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 16th and 24th October 2024 the Applicant let the Property to the Respondents.
2. The start date of the tenancy was 28th October 2024.
3. Rent is payable at a rate of £1,500.00 per calendar month.
4. The Respondents fell into arrears of rent almost immediately after the tenancy commenced.
5. A notice to leave dated 1st August 2025 was served upon the Respondents. The notice to leave intimated that an eviction order may be sought on the basis the Respondents were in arrears of rent over three consecutive months.
6. As of 1st August 2025 arrears of rent amounted to £3,726.00.

7. On 1st September 2025 an application was presented to the Tribunal seeking an order for eviction.
8. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the Local Authority.
9. A Case Management Discussion was assigned to be held by teleconference at 10am on 27th March 2026. In advance of the Case Management Discussion the First Respondent submitted a request that the Case Management Discussion be postponed "until the end of April". The postponement request indicated that the First Respondent was still living within the Property and that, due to financial circumstances, he was unable to agree a payment plan or time to pay arrangement in relation to arrears. The request also advised the Second Respondent has vacated the Property and is now living overseas.
10. The postponement request was opposed by the Applicant. It was explained that, as of 2nd March 2026, arrears of rent now amounted to £10,729.30 and the Applicant was suffering financial hardship as a result of the Respondents' failure to make payment of rent.
11. The Tribunal did not grant the postponement request.

THE CASE MANAGEMENT DISCUSSION

12. The Applicant attended the Case Management Discussion by teleconference. She was represented by Mr Paine of Clan Gordon Letting Agents. The Respondent, Mr Ahmed, attended the Case Management Discussion by teleconference. He was represented by Ms Klaudia Staniszewska of the Salvation Army. The Second Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Second Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.

The Applicant

13. Mr Paine moved the Tribunal to grant an eviction order. He advised the Tribunal that there were significant arrears of rent. While arrears of rent previously amounted to £10,729.30 a payment had been received from universal credit in relation to housing allowance which resulted in the amount due being reduced to £9,759.30.
14. The monthly rent is £1,500.00. The housing allowance element of universal credit is insufficient to cover the monthly rental payments, and Mr Ahmed is not in a position to make payment of any balance due. Indeed, the application to postpone the Case Management Discussion previously presented by Mr Ahmed confirmed he was not in a position to agree a payment plan.
15. Mr Paine advised the Tribunal that, apart from the first payment of rent as far back as September 2024, the Respondents have never been up to date with rent.
16. Mr Paine advised the Tribunal that at the time the Respondents applied to become tenants of the Property they advised they were living with relatives. It became apparent to Mr Paine thereafter that that information was not correct. The Respondents had been living in another property nearby. They had been in default of rental payments there and the Tribunal had recently granted a separate payment order against the Respondents. That separate order was under Tribunal case reference FTS/HPC/CV/25/1364. A payment order in the sum of £4,682.31 was granted in relation to the last tenancy held by the Respondents.
17. The Applicant had received no formal notification that the Second Respondent had vacated the Property.

The Respondents

18. On behalf of the First Respondent, Miss Staniszewska advised that the arrears of rent were admitted and also that Mr Ahmed was not financially in a position to make payment of the arrears or any balance of rent due on an ongoing basis.
19. The Second Named Respondent, Miss Tatar, is no longer resident in the Property. She moved overseas during August 2025 and has not returned.

20. Mr Ahmed is a single father to his daughter who is currently in primary 6 at school.
21. He has already made enquiries with Edinburgh Council in relation to local authority housing being made available. Separately, he has made application to Fife Council for alternative accommodation.
22. Miss Staniszewska confirmed that Mr Ahmed intends to vacate the Property but would wish to be allowed a period of time to do so, to assist him in finding alternative accommodation and to assist him in making arrangements for his daughter to transfer school. While the application for a postponement of the case management discussion previously presented suggested that a postponement until the end of April was likely to suffice for those purposes, at the Case Management Discussion it was suggested that if an eviction order was granted it was hoped that an enforcement date towards the end of May would be permitted.
23. It was explained to Miss Staniszewska and Mr Ahmed that, if an eviction order is granted, the Tribunal requires to allow a period of at least 30 days before it can be enforced, that period of time, of course, being required to enable an application for permission to appeal to be presented, if any Party was so advised. In the circumstances, the enforcement date of any eviction order granted would be at least 30 days away from the Case Management Discussion.
24. The Applicant confirmed that she would not be willing to consent to an eviction order being granted with an enforcement date at the end of May and, if an eviction order is to be granted, she would prefer it to be enforceable at an earlier date.

FINDINGS IN FACT

25. The Tribunal found the following facts to be established:-
- a) By lease dated 16th and 24th October 2024 the Applicant let the Property to the Respondents.
 - b) The start date of the tenancy was 28th October 2024.
 - c) Rent is payable at a rate of £1,500.00 per calendar month.

- d) The Respondents fell into arrears of rent shortly after the tenancy commenced.
- e) The Respondents had failed to make payment of rent in relation to their previous tenancy. The Tribunal granted a payment order in the sum of £4,682.31 in relation to that tenancy.
- f) A notice to leave dated 1st August 2025 was served upon the Respondents. The notice to leave intimated that an eviction order may be sought on the basis the Respondents were in arrears of rent over three consecutive months.
- g) As of 1st August 2025 arrears of rent amounted to £3,726.00.
- h) On 1st September 2025 an application was presented to the Tribunal seeking an order for eviction.
- i) A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the Local Authority.
- j) As of 27th March 2026 arrears of rent amounted £9,759.30.
- k) The Respondents have been in arrears of rent for more than three consecutive months.
- l) The First Respondent is unable to make payment towards the arrears.
- m) The First Respondent is unable to make payment of rent on an ongoing basis.
- n) The First Respondent has made application to local authorities for alternative accommodation.

REASONS FOR DECISION

26. Having regard to

- the level of arrears of rent,
- the acceptance by Mr Ahmed that he cannot make payment towards the arrears,
- the acceptance by Mr Ahmed that he cannot make full payment of rent on an ongoing basis,
- the fact that Mr Ahmed indicates he intends to vacate the Property and has already commenced making enquiries with Edinburgh Council and Fife Council to secure alternative accommodation,

the Tribunal determined that it was reasonable that an eviction order be granted.

27. While the Tribunal did not have any information to suggest the Applicant had complied with the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 ("PAR") having regard to the fact compliance with PAR is not mandatory, and having regard to the factors referred to at paragraph 26 above, the Tribunal considered it appropriate to grant an eviction order.

28. In relation to the date on which the eviction order will become enforceable, the Tribunal was not willing to exercise its discretion to permit enforcement no sooner than the end of May. The Tribunal determined that it was appropriate to grant an eviction order with an enforcement date no earlier than 4th May 2026.

DECISION

The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act

Order not to be executed prior to 12 noon on 4th May 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.

Virgil Crawford

27 March 2026

Legal Member/Chair

Date