



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

Chamber Ref: FTS/HPC/EV/26/1611

Re: Property at Flat 4, 6 McEwan Walk, Edinburgh, EH3 8FT ("the Property")

Parties:

Springside Opco Limited, 8 Sackville Street, London, W1S 3DG ("the Applicant")

Mr Shihao Hu, Flat 4, 6 McEwan Walk, Edinburgh, EH3 8FT ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal Member) and Elaine Munroe (Ordinary Member)

Decision ; In absence of Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Eviction Order be granted.

1) Background

- 1.1 By Application dated 14th April 2026 the Applicant sought an order under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 16th June 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 13th August 2026.
- 1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-
 - Private Rental Tenancy agreement
 - Notice to Leave ('NTL') and proof of service

- Section 11 Notice
- Rent Statement
- Pre Action Requirements correspondence

1.5 A Case Management Discussion was set to take place on 18 September 2026. Intimation was given to the Respondent by Sheriff Officers on 13 August 2026.

2) The Case Management Discussion ('CMD')

2.1 The CMD took place by tele conference on 18th August 2026. The Applicant was represented by Miss Adens of the Applicant company. The Respondent was neither present nor represented. The start of the Tribunal was delayed by 5 minutes to enable the Respondent to take part. He did not.

2.2 The Applicant sought the Eviction Order based on Ground 12 of Schedule 3 of the Act.

2.3 Ms Adens explained that the property is a furnished apartment with private facilities and shared social spaces. The tenancy commenced on 8th October 2024 with an initial rent of £1900 per month paid six monthly in advance. The rent increased during the course of the tenancy from £1900 per month to the current rent of £1960 per month effective from 8th October 2025. The arrears at date of service of the NTL were £10,700. The arrears at the date of lodging the Application were £34,220. At the time of the CMD the arrears remained at £34,220 given they fell due six monthly in advance, all as shown in the Rent Statement produced. The rent statement demonstrates that the Respondent had been in arrears of rent since 8th October 2024 and save for one payment of £800 on 30th May 2025 by the Respondent no rent has since been paid.

2.4 Ms Adens narrated that a repayment plan had been agreed to clear the arrears at £800 per month. The Respondent made one payment of £800 on 30th May 2025 but otherwise failed to adhere to the terms. The arrears are significant. Pre action correspondence has been ignored.. The Land Lord is suffering from a loss of income to apply towards maintenance of their developments and to apply towards secured funding.

2.5 Ms Adens was asked about the personal circumstances of the Respondent. She understood he was a Chinese student who is 25 years old and single. He has no known disability nor vulnerability. He has no dependents living with him. He is continuing to occupy the property. He is not engaging with the Applicants.

2.6 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 CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

- 3.1 The Tenancy agreement is a Private Rental Tenancy Agreement which commenced on 8th October 2024.
- 3.2 On 4th September 2025 the Applicants served Notice to Leave on the Respondent under Ground 12 of Schedule 3 to the Act. The Notice to Leave became effective from 6th October 2025. The Notice was correctly drafted and provided sufficient Notice.
- 3.3 The Respondent has been in arrears of rent by an amount equal to or greater than the equivalent of one month's rent under the tenancy and has been in arrears for more than three or more consecutive months.
- 3.4 The basis for the Order for possession was accordingly established.

4) Issue For The Tribunal

- 4.1 The issue for the Tribunal is to determine whether or not it is reasonable to grant the Order.
- 4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
- 4.3 The Tribunal found that the Applicant is entitled to recovery of the property. The Tribunal had regard to the significant level of rent arrears. The Respondent has not engaged with the Applicant nor with the Tribunal process. The Applicant had made an arrangement for payment of the rent arrears with the Respondent which he failed to maintain. The Respondent continues to live in the property and is failing to pay rent and arrears of rent lawfully due.
- 4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

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.

H Macandrew

Legal Member/Chair

18th September 2026

Date