

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/1252**

**Re: Property at Flat 6, 9 Roseburn Maltings, Edinburgh, EH12 5LY (“the Property”)**

**Parties:**

**Mr Michael Wood, Mrs Marlene Wood, c/o 9 10 11 Atholl Place, Edinburgh, EH3 8HP; c/o 9 10 11 Atholl Place, Edinburgh, EH3 8HP (“the Applicant”)**

**Miss Louise Hanscombe, Flat 6, 9 Roseburn Maltings, Edinburgh, EH12 5LY (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

**Decision (in absence of the Respondent)**

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

**Background**

By application dated 24 April 2019 the applicants applied to the First-tier Tribunal under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016. Alongside the application was lodged a Private Rented Tenancy Agreement dated 19 February 2019, Notice to Leave dated 22 March 2019, Section 11 Notice dated 24 April 2019, copy emails to the applicant from the City of Edinburgh Council Landlord Registration Department, copy emails to the applicant from the property factor and property advertisements as displayed on Airbnb on 24 April 2019.

**Case Management Discussion**

At the case management discussion Mr Colin Dove from the letting agents Dove Davies attended as did Miss Kirstie Donnelly from Bannatyne Kirkwood France & Co, both representing the applicant. There was no appearance by or for the



respondent. Papers had been served on the respondent by Sheriff Officer on 15 May 2019. The respondent had acknowledged intimation of the documents by way of letter written on 31 May 2019 to the First-tier Tribunal.

At the case management discussion the applicants through their representatives confirmed that the respondent was letting out the property through Airbnb.

The documents were self-evident. The respondent has used the property at Flat 6, 9 Roseburn Maltings, Edinburgh for Airbnb purposes. It appears that she is letting out all of the rooms. A document confirms that she applied herself to become a registered landlord at the property.

### **Findings in Fact**

The tenancy between the parties was constituted by Private Rented Tenancy Agreement dated 19 February 2019.

A Notice to leave the property was served on 22 March 2019.

A Section 11 Notice dated 24 April 2019 was completed.

The respondent applied to the City of Edinburgh Council to register the property at 9/6 Roseburn Maltings as the landlord.

The respondent has used the property for Airbnb purposes.

The respondent has breached the terms of her Tenancy Agreement in that she has failed to comply with a term of the tenancy namely that she would occupy the property as her home.

An order for eviction is granted.

### **Reasons for decision**

The documents provided by the applicants were clear. The respondent is a tenant of the property at 9/6 Roseburn Maltings by way of Private Residential Tenancy Agreement dated 19 February 2019. In terms of the Tenancy Agreement it is a specific condition that the tenant occupies the let property as her home and has to obtain the landlord's written permission for carrying out any trade, business or profession there. The respondent applied to the City of Edinburgh Council to become a landlord of that property. The applicants are already landlords. Thereafter documentation taken from an Airbnb website establishes that the property is being used for Airbnb purposes by the respondent in breach of her Tenancy Agreement. Further correspondence has been received from the factors of the property confirming that guests are attending at 6/9 Roseburn Maltings looking for the property at 9/6 Roseburn Maltings.

The respondent was served with the relevant paperwork. The respondent did not attend at the hearing. The respondent had written in to the hearing by letter dated 31 May 2019.



Having considered all the evidence available it is clear that the respondent was in breach of her Tenancy Agreement and accordingly therefore an order for eviction should be granted.

### 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.



Legal Member/Chair

Date

16 June 2019.