



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 ('the Act')

Chamber Ref: FTS/HPC/EV/26/1544

Re: Property at 152 Gilmerton Dykes Drive, Edinburgh, EH17 8LL ("the Property")

Parties:

Mr Peter Turner, 6 Laurel Terrace, Edinburgh, EH11 1NY ("the Applicant")

Ms Irene Douglas, 152 Gilmerton Dykes Drive, Edinburgh, EH17 8LL ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal Member) and Ann Moore (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 6th 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 4th May 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 11th 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
- Correspondence confirming the instruction of an estate agent

1.5 A Case Management Discussion was set to take place on 21 September 2026. Intimation was given to the Respondent by Sheriff Officers on 11 August 2026.

2) The Case Management Discussion ('CMD')

2.1 The CMD took place by tele conference on 21st September 2026. The Applicant was represented by Mr Aiton of Sinclair Services. The Respondent was represented by Mr Wilson of Edinburgh Housing Advice Partnership.

2.2 The Applicant sought the Eviction Order based on Ground 1 of Schedule 3 of the Act.

2.3 Ms Aiton explained that the property is a terraced house. The Private Residential Tenancy agreement discloses a commencement date of 15th December 2025. The rent is £1021 four weekly paid in arrears.

2.4 The Applicant is seeking recovery of possession as he wishes to sell the property. Mr Aiton explained the Applicant's personal circumstances as that he is relatively elderly and planning his retirement. He lives largely abroad where he is married. He requires to sell the property to assist his retirement plans. His retention of the property as a letting property is no longer commercially feasible. He has instructed an estate agent to market the property for sale.

2.5 Mr Wilson spoke to a written submission lodged in advance of the CMD. The Respondent is the sister of the Applicant. She suffers poor health and requires the assistance of a live in carer. She does not oppose the Application and believes that the grounds are genuine. She has sought alternative housing. In particular she has approached Edinburgh City Council for alternative housing. They will prioritise her application but cannot consider it until the Respondent is issued with an Eviction Order. Mr Wilson requested additional time to be added to the Eviction notice period, given the Respondents poor health and specific requirement for a two bedroom property.

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 CMD 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 15th December 2025.

- 3.2 On 29th December 2025 the Applicant served Notice to Leave on the Respondent under Ground 1 of Schedule 3 to the Act. The Notice to Leave became effective from 26th March 2026. The Notice was correctly drafted and provided sufficient Notice.
- 3.3 The Applicant wishes to sell the property. He requires to sell the property to fund his retirement. It is no longer financially feasible to retain the property as a rental property.
- 3.4 The Respondent does not oppose the Application. She seeks a postponement of implementation of the Eviction Order.
- 3.5 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. He has demonstrated a need for selling the property and he has instructed an estate agent. The Respondent does not oppose the Application. She has actively sought alternative housing.
- 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.

Hilary Macandrew

21st September 2026

Legal Member/Chair

Date