

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons 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/25/1629

Property : Room 3, 21 Lutton Place, Edinburgh EH8 9PD (“Property”)

Parties:

**Alisdair Skinner and Julian Skinner, 13B Grange Road, Edinburgh EH9 1UQ
 (“Applicant”)**

**Gilson Gray LLP, 29 Rutland Square, Edinburgh EH1 2BW (“Applicant’s
Representative”)**

Nigel Barker, Room 3, 21 Lutton Place, Edinburgh EH8 9PD (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
 (“Tribunal”) determined to make an order for possession of the Property.**

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 23 June 2023; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 20 January 2025 ("Notice to Leave"); sheriff officer certificate of service of the Notice to Leave on 21 January 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email; confirmation in respect of the estate of Iain Skinner dated 20 August 2024 which notes that the Applicant are the executors on the estate of the late Iain Skinner and rent increase notice which increased the rent from £825 per month to ££885 per month with effect from 1 September 2024. A Case Management Discussion (“CMD”) was fixed for 10 July 2025. The Application was served on the Respondent by sheriff officer on 16 May 2025. On 17 June 2025 the Applicant’s Representative lodged a written representation

which contained a detailed submission in which they submitted that it was reasonable to grant an order for possession of the Property.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 10 July 2025 by teleconference. The Applicant was represented by David Gray of the Applicant's Representative. The Respondent was in attendance. Mr Barker told the Tribunal that he did not dispute the application. He said that he had known the Skinners for many years and understood why they wanted the Property back. He said he had rented the Property for two years and had let a property from Iain Skinner for 3 years before that. He said he had seen the written representation recently lodged on behalf of the Applicant on 17 June 2025 and understood the need to sell the Property. He said that he found it odd that the ground for eviction was intention to sell as there were tenants now in the other two rooms in the Property. He said that he lives in the Property alone. He said he had registered with the local authority for alternative accommodation and had contacted them as recently as yesterday. He said they knew all about his situation.

Mr Gray said that there are tenants in the other two rooms in the Property. He said that they will not be staying long term and one has already given notice to leave. He said that the estate of the late Iain Skinner is insolvent and so the decision had been taken to let the other two rooms in the Property.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Iain Skinner entered into the Tenancy Agreement with the Respondent for the Property which commenced on 23 June 2023.
2. The Applicant are the executors on the estate of the late Iain Skinner.
3. A Notice to Leave was served on the Respondent by sheriff officer on 21 January 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 16 April 2025.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
5. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Reasons for the Decision

There were a number of points during the CMD when it was apparent that the Respondent could not properly hear what was being said. The Tribunal repeated what was said and checked a number of times with the Respondent that he understood what was happening. He said that he understood what was being said and repeated that he did not oppose the grant of an eviction order.

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a written submission from the Applicant's Representative.

The Tribunal considered the question of reasonableness which was addressed in some detail in the written submission lodged on behalf of the Applicant on 17 June 2025. In all the circumstances, and in the absence of opposition from the Respondent, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

Decision

The Tribunal determined to grant an order for possession of 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.

J.Devine

Legal Member

Date : 10 July 2025