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 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/1417

Re: Property at 45 Longstone Street, Longstone, Edinburgh, EH14 2BS ("the Property")

Parties:

Ms Annette Whyte, Mr Paul Alexander, 57 Bradan Road, Troon, KA10 6DR ("the Applicant")

Mr Andrew Traynor, 45 Longstone Street, Longstone, Edinburgh, EH14 2BS ("the Respondent")

Tribunal Members:

Richard Mill (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondent for payment to the Applicants the sum of Nine Thousand Two Hundred and Forty Pounds (£9,240) with interest at the rate of 8% per annum until payment

Introduction

These conjoined applications seek an eviction order and an order for payment in respect of rent arrears. The applications are under Rules 109 and 111 and Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Intimation of the applications and the initial Case Management Discussions (CMDs) were served on the respondent by Sheriff Officers on 22 August 2025. The CMDs took place by teleconference on 8 October 2025 at 10.00 am. The applicants were represented by Ms Simone Callaghan of TC Young Solicitors. She was accompanied by Mr Neil Chamna, letting agent. The respondent was represented by Mr Sam Donegan of CHAI. The parties presented an agreed position on both applications.

Findings and Reasons

The property is 45 Longstone Street, Edinburgh EH14 2BS. The applicants are Ms Annette Whyte and Mr Paul Alexander who are the heritable proprietors and registered landlords of the property. The respondent is Mr Andrew Traynor who is the tenant. The parties entered into a private residential tenancy which commenced on 10 July 2020. The agreed rent in terms of the written lease was £750 per month.

The applicants rely upon ground 1 of schedule 3 to the 2016 Act. It is an eviction ground where the landlord intends to sell the let property. The notice to leave was served upon the respondent by email on 13 December 2024. The respondent was advised that proceedings before the tribunal would not be raised before 10 March 2025. The required statutory notice of 84 days was given.

The applicants seek to sell the property to ingather funds to meet other financial commitments. They wish to add an extension to their current home. They have had a building warrant approved and plans prepared for the works. The property which is the subject of this application is the only property which the second-named applicant owns, and he intends to use some of the net free proceeds of sale to boost his pension funds. The basis of sale is not challenged. The tribunal was satisfied that it is the applicants' genuine intention to sell the property.

The respondent is in significant rent arrears. As at the date of the application to the tribunal £5,265 was outstanding. The respondent has not paid any rent since September 2024. A Rule 14A amendment application was timeously made to increase the sum sought to £9,240, A detailed rent statement has been produced which is credible and reliable. This is unchallenged. The tribunal attached significant weight to this.

The respondent does not oppose either application. This is on the basis that implementation of the eviction is delayed by three months until 8 January 2026. The applicant is agreeable to this. The tribunal found this to be reasonable.

There is evidence of a section 11 homelessness notice having been issued. In the event of an eviction order being granted the local authority has a statutory duty to make alternative accommodation available to the respondent.

It is not reasonable for the applicants to continue to make the tenancy available for the respondent in the absence of any rent being paid. In all the circumstances, the tribunal determined that an eviction order was reasonable.

The applicants are entitled to recover the arrears of rent lawfully due under the lease. The tribunal accordingly made a payment order in the sum of £9,240. The applicants seek interest at the rate of 8% per annum. Clause 8 of the tenancy agreement makes provision for this and there was no basis for the tribunal to interfere with this.

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.

Richard Mill

8 October 2025

Legal Member/Chair **Date**