



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 (“the 2016 Act”) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”)

Chamber Ref: FTS/HPC/EV/25/2912

Re: Property at 14 Leadervale Road, Edinburgh, EH16 6PA (“the Property”)

Parties:

Mrs June Terry, Arthur Terry, Hillside Hamlet Homes 9, 285/1, Moo 9, Thab Tai sub-district, Hua Hin, Thailand (“the Applicant”)

Ms Lora Duncan, Andrew Gordon, Harry Gordon, 14 Leadervale Road, Edinburgh, EH16 6PA; 14 Leadervale Road, Edinburgh, EH16 6PA; 14 Leadervale Road, Edinburgh, EH16 6PA (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

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

Background

1. By application received on 7 July 2025, the Applicant applied to the Tribunal for an order for recovery of possession of the property in terms of Section 51 of the 2016 Act. Recovery was sought on the basis of Ground 4 of Schedule 3 to the 2016 Act (landlord intends to live in the property). Supporting documentation was submitted with the application, including a copy of the tenancy agreement, Notice to Leave and copy correspondence between the parties.
2. The application was subsequently accepted by a Legal Member of the Tribunal acting with delegated powers from the Chamber President who issued a Notice

of Acceptance of Application in terms of Rule 9 of the Regulations dated 29 July 2025.

3. Notification of the application was made to the Respondent and the date, time and arrangements for a Case Management Discussion (“CMD”) were intimated to both parties, advising of the date by which any written representations should be lodged. Said notification was served on the Respondent by Sheriff Officer on 11 November 2025.
4. On 25 November 2025, written representations and supporting documentation was lodged by the Respondent.
5. On 29 December 2025, further written representations were lodged on behalf of the Applicant.

Case Management Discussion

6. A Case Management Discussion (“CMD”) took place by telephone conference call on 9 January 2026 at 10am. Mrs June Terry, one of the Applicants attended and was represented by Mr Edward Paine of Clan Gordon, letting agents. Mrs Terry advised that her husband could not attend as he is in Thailand and is not very well. Two of the Respondents were also present, namely Ms Lora Duncan and Mr Andrew Gordon.
7. Following introductions and introductory remarks by the Legal Member, the Respondents advised that they were not opposing the application as they have now managed to secure alternative accommodation and are due to move into it on 14 January 2026. They had advised the Applicant through their letting agent prior to the CMD of their position. The Respondent mentioned their written representations and asked whether they were due any compensation in these circumstances as they had spent a lot of money on furniture, etc for the Property, prior to being served with notice. The Legal Member explained that any such claims could not be dealt with in the context of this eviction application but that the Respondent could consider raising a separate payment application against the Applicant. It was explained, however, that the Respondent would need to take their own advice in relation to that issue.
8. Mr Paine confirmed that the Respondent had been in touch regarding this but that an eviction order was still sought today to formalise matters.
9. The Tribunal Members conferred and confirmed that, in the circumstances, an eviction order would be granted, as sought. It was recommended that parties liaise with each other regarding the Respondent moving out of the Property. The Legal Member confirmed that the decision paperwork would be issued shortly and that the formal eviction order would follow after 30 days. Parties were thanked for their attendance and the CMD concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 8 November 2024.
3. A Notice to Leave specifying ground 4 and dated 11 April 2024 was served on the Respondent by email on that date.
4. The date specified in the Notice to Leave as the earliest date a Tribunal application could be lodged was 5 July 2025.
5. The Tribunal Application was received on 7 July 2025.
6. The Applicant intends to live in the Property as their only or principal home for at least 3 months.
7. The Respondent continues to reside in the Property but has now secured alternative accommodation and is due to vacate the Property imminently.
8. The Respondent attended the CMD and does not oppose the eviction application.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers, including the application and supporting documentation, the written representations from both parties prior to the CMD and the oral representations made by the Applicant's representative and the Respondent at the CMD.
2. The Tribunal found that the application was in order, that notice had been served timeously and that the application was timeously lodged with the Tribunal, all in accordance with the terms of the tenancy agreement and legislation. As the tenancy had been running for less than 6 months when notice was served, only 28 days' notice in terms of the Notice to Leave was required. However, the Applicant had opted to give the Respondent the longer notice period of 84 days, in the circumstances.
3. The Tribunal was also satisfied that the ground of eviction, that the landlord intends to live in the let property, had been met (Ground 4 of Schedule 3 to the 2016 Act), in that the Tribunal was satisfied from the terms of the supporting documentation lodged that the Applicant intends to occupy the Property as their only or principal home for a period of at least three months and that it was reasonable to issue an eviction order in the circumstances. The Tribunal had regard to the reasons put forward by the Applicant for the Applicant's need to have the Property back in order to live in themselves. It was noted that the Applicant had resided in the Property from around 2002 until 2014 when they

moved abroad for work. They had lived in several locations since then but most recently in Thailand. It was noted that it was only after they had entered into the tenancy with the Respondent that there was a change in their circumstances, which required them to return from Thailand to live in their Property. The Respondent was understandably upset and annoyed to be served with notice 5 months into the lease, particularly as they had been assured that they would have a long-term tenancy. They had spent money on furniture and had difficulty finding a suitable alternative property to move into, given Mr Gordon's medical condition. They were unable to move out at the end of the notice period for this reason but, fortunately, have now secured suitable alternative accommodation which they are due to move into on 14 January 2026. The Respondent did not accordingly oppose the eviction application and had no issue with an eviction order being granted, given that this was a 'no fault' eviction.

4. The Tribunal unanimously determined that, in the circumstances, it was reasonable to grant the eviction order sought and that an order for recovery of possession of the Property could properly be granted at the CMD, there being no requirement for the application to be continued to an Evidential Hearing.

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.

N Weir

Legal Member/Chair

9 January 2026
Date