

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/25/0547

Re: Property at 19/3 Crichton Place, Edinburgh, EH7 4NY (“the Property”)

Parties:

Mr Ross Bray and Gail Bray, both Da Hoga, Park, Sandwick, Shetland, ZE2 9HP (“the Applicants”)

Mr Devavrat Kumar and Sanjeev Dhiman, both 19/3 19/3 Crichton Place, Edinburgh, EH7 4NY (“the Respondents”)

Tribunal Members:

George Clark (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondents.

Background

1. By application dated 7 February 2025, the Applicants sought an Eviction Order against the Respondents under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 14 July 2023 at a rent of £960 per month, and a Notice to Leave dated 2 October 2024 advising the Respondents that an application to the Tribunal under Ground 1 would not be made before 28 December 2024. The Applicants also provided the Tribunal with copies of a letter of engagement with Gibson Kerr, solicitors and estate agents, Edinburgh, for the sale of the Property.
3. On 4 November 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make

written representations by 25 November 2025. The Respondents did not make any written representations to the Tribunal

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 8 January 2026. The Applicants were represented by Mr Kerr Stevenson of The Flat Company, Edinburgh. The Respondent Mr Sanjeev Dhiman was present. The Respondent Mr Devavrat Kumar was not present, but Mr Dhiman advised the Tribunal that he was speaking on behalf of both Respondents.
5. The Applicants' representative told the Tribunal that the reasons for their needing to sell the Property were purely financial, as the Applicant Mrs Bray had required to take early retirement to look after her elderly father. The Respondent Mr Dhiman told the Tribunal that the Applicants had been good landlords and that he accepted their need to recover possession of the Property. The Respondents did not oppose the application, but he had been advised by City of Edinburgh Council that they could not assist with alternative accommodation until an Eviction Order was issued. Mr Dhiman's 9-year-old daughter stays with him 2½ days each week.

Reasons for Decision

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 Case Management Discussion 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.
7. Section 51 of the 2016 Act states that 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 to the 2016 Act applies.
8. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.
9. The Tribunal was satisfied from the evidence provided by the Applicants, including the solicitors' and estate agents' letter of engagement, that they intend to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.

10. The Tribunal was satisfied that the Applicants had set out a good reason for their decision to sell the Property, namely the financial impact resulting from the fact that Mrs Bray had had to take early retirement to look after her elderly father. The Tribunal also noted that the Respondents were not opposing the application and fully recognised the Applicants' position, but needed an Eviction Order in order to obtain rehousing assistance from the local authority,
11. Accordingly, having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.
12. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

8 January 2026
Date