



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 (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Ref: FTS/HPC/EV/25/3174

Re: Property at 49/8 West Bryson Road, Ardmillan, Edinburgh, EH11 1BQ (the Property)

Parties:

Miss Claire Godbeer and Mr Grant Calder, 14 Hartington Gardens, Edinburgh, EH10 4LD (the Applicants)

Anderson Strathern, 58 Morrison Street, Edinburgh, EH3 8BP (the Applicants' Representative)

Miss Kirsty Louise Edmiston, 49/8 West Bryson, Ardmillan, Edinburgh, EH11 1BQ (the Respondent)

Tribunal Members:

**Ms. Susanne L. M. Tanner K.C. (Legal Member)
Mrs. Mary Lyden (Ordinary Member)**

Decision (made in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicants, namely that the landlords are entitled to sell the let Property and intends to sell it for market value, or at least put it up for sale within three months of the tenant ceasing to occupy it; and that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicants' Representative made an application to the tribunal on 23 July 2025 in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicants seek an order for eviction of the Respondent from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the tenant ceasing to occupy it.
3. The Applicants' Representative lodged with the Application:
 - 3.1. Paper apart;
 - 3.2. Title Sheet;
 - 3.3. Copy Private Residential Tenancy Agreement;
 - 3.4. Copy Notice to Leave, letter from selling agents and email intimation with attached letter from Jardine Phillips, estate agents dated 25 February 2025; and
 - 3.5. Section 11 Notice and intimation email.
4. The tribunal's administration obtained the title sheet for the Property on which showed that the Applicants are the registered proprietors.
5. The tribunal confirmed that the Second Applicant is registered as the landlord of the Property with Landlord Registration Scotland.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 24 November 2025 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 19 January 2026 at 1400h. The Respondent was invited to make written representations in response to the Application by 15 December 2025. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers on 26 November 2025.

7. The Respondent did not lodge any opposition to the Application or lodge any written submissions.

Case Management Discussion (CMD): 19 January 2026, 1400, Teleconference

8. Ms Collins from the Applicant's Representative attended.
9. The Respondent did not attend or make any contact with the tribunal's administration.
10. The tribunal was satisfied that the requirements of rule 24(1) regarding the giving of notice of a hearing were duly complied with and proceeded with the Application upon the representations of the party present and all the material before it.

Submissions by Applicant's Representative

11. Ms Collins stated that so far as she has been made aware, the Respondent is still residing in the Property. She stated that the letting agents have not been able to get in contact with her. The Applicant informed Ms Collins rent was paid until December 2025, since which time the Respondent has fallen into arrears. The payment was late as of last week.
12. Ms Collins sought an eviction order.
13. Ms Collins stated that the Applicants instructed Jardine Phillips, estate agents, to deal with the sale of the Property. The estate agents sent a letter in February 2025 to confirm that they had received those instructions. The Applicants obtained a valuation last year. They have not taken any further steps while the tenant is in situ and not engaging with the letting agents. The Applicants want a home report valuation once there is vacant possession. The Applicants intend to proceed as soon as possible after vacant possession with marketing the property for sale.
14. Ms Collins stated that she has only been made aware of limited information about the Respondent's personal circumstances. She stated that the Respondent lives in the Property with one daughter, believed to be primary school age. Ms Collins had no further details of income or employment status and did not know her age group. She is unaware of any health issues. As stated, the rent has been paid until December 2025 and the Respondent then fell into arrears. Ms Collins stated that it is a flat property and that she is not sure how many bedrooms there are. Miss Collins is not aware that the property has been adapted in any way for disabilities. Ms Collins stated that the letting agents inherited this property from another firm

and Miss Edmiston was already in the property. They did not carry out the usual background check so do not have many details about Miss Edmiston.

15. Ms Collins referred to the documents lodged with the Application. She stated that Notice to Leave was served on 5 April 2025. It was issued by the Applicant's letting agent, Marchside Property. A section 11 Notice was issued to City of Edinburgh Council by email on 23 July 2025. The Application was raised on 23 July 2025.

16. Since the action was raised there has been no contact from the Respondent to the letting agent. The letting agent was contacted by someone from the homelessness team at the local authority in October 2025. That team told Ms Collins that they had advised the Respondent of her rights and advised Miss Edmiston that she could remain at the property until she received an eviction order and that they would not proceed with a homelessness application until that time.

17. The Applicants' reason for selling the Property is following the bereavement of a close family member and a change in their circumstances. So far as Miss Collins is aware this is the only property they have and rent out.

18. The tribunal makes the following findings-in-fact:

18.1. The Applicants are the registered proprietors of the Property.

18.2. The Applicants entered into a private residential tenancy with the Respondent for the Property with a start date of 1 November 2022.

18.3. The Applicants require to sell the Property with vacant possession.

18.4. The Applicants have had a change in circumstances following the bereavement of a close relative.

18.5. The Applicants intend to sell the Property or put it up for sale within three months of the Respondent ceasing to occupy it.

18.6. The Applicant has instructed an estate agent to market the Property for sale once there is vacant possession.

18.7. Notice to Leave was served on the Respondent on 5 April 2025 under Ground 1 of Schedule 3.

18.8. The Respondent continues to reside in the Property.

18.9. The Respondent's rent account was up to date until December 2025 and has been in arrears since that time.

18.10. The Property is not adapted for disabilities.

18.11. The Respondent lives in the Property with her daughter who is of school age.

Discussion

19. The Application for an order for eviction was not opposed and the Respondent did not attend.

20. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.

21. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction.

22. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act.

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.

19 January 2026

**Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair**