



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/25/2413

Re: Property at 33 (TFL) Grove Street, Edinburgh, EH3 8AF (“the Property”)

Parties:

Mr Steve Storey, 8 Albany Street, Edinburgh, EH1 3QB (“the Applicant”)

Mr Peter Edwards, 33 (TFL) Grove Street, Edinburgh, EH3 8AF (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted against the respondent

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondents by Sheriff Officers on 2 December 2025.

The CMD took place by teleconference on 23 January 2026 at 2.00 pm. The applicant joined the hearing and was represented by Mr John Macaulay. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 33 (TFL) Grove Street, Edinburgh EH3 8AF. The applicant is Mr Stephen (Steve) Storey. He is the joint heritable proprietor with his wife, Jocelyn Storey, and he is the registered landlord. His wife consents to the bringing of this application before the tribunal. The respondent is Mr Peter Edwards who is the tenant.

The parties entered into a private residential tenancy in respect of the property which commenced on 1 May 2023.

The applicant relies upon ground 5 contained within part 1, schedule 3 to the 2016 Act. This is an eviction ground where a member of the landlord's family intends to live in the let property. The notice period under ground 5, at the time the notice to leave was served was one of 84 days. The notice to leave relied upon in this case is dated 11 March 2025 and stipulates that the earliest an application be submitted to the tribunal would be 4 June 2025. The notice to leave was served upon the respondent by Sheriff Officers on 11 March 2025 and sufficient notice was given.

In support of the ground for eviction the applicant has explained that the applicant's son, Mr Connor Storey, intends to take up residence of the property. He has signed an affidavit in this regard dated 17 July 2025 confirming he will take up residence. He is returning to Edinburgh to undertake a degree course. The tribunal was satisfied based on the unchallenged evidence that it is the applicant's son's genuine intention to live in the let property.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order. The tribunal weighed up the respective circumstances and needs of the parties.

Little is known regarding the respondent who has not engaged. He has not opposed the application. He lives alone and has no dependants and no known disabilities or other vulnerabilities. A Section 11 notice has been issued to the local authority. The tribunal was satisfied that that the respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.

23 January 2026

Date