



Decision 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/25/1607

Re: Property at 11 Hawkhill Close, Flat 2, Edinburgh, EH7 6FG (“the Property”)

Parties:

Dr Manvir Multani, 112 Easton Drive, Shieldhill, Falkirk, FK1 2DW (“the Applicant”)

Ms Nicola Jappy, 11 Hawkhill Close, Flat 2, Edinburgh, EH7 6FG (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Sara Hesp (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 that it should be refused.

Background

1. By application dated 15 April 2025, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The Ground relied on was Ground 4 of Schedule 3 to the Act, namely that the landlord intends to live in the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement, commencing on 22 January 2021, under which the Applicant had become landlord following his purchase of the Property in September 2022, a Notice to Leave dated 14 January 2025 advising the Respondent that an application to the Tribunal under Ground 4 would not be made before 11 April 2025, and a letter from the Applicant, headed “Dear Whomever this may concern” stating that the Applicant will be using the Property for residency purposes. They also provided an email from the Respondent in which she said that she has been looking endlessly but has not yet been successful in securing a place for her and her six-year-old son and that she had been advised she was well within her rights to stay until she is able to secure elsewhere.

3. Following a Case Management Discussion on 8 January 2026, the Tribunal adjourned the case to a further Case Management Discussion, to allow the Applicant to provide a proper Affidavit regarding his intention to live in the Property, to include giving reasons for his having selected the present property rather than others that he owns.
4. On 21 January 2026, the Applicant's representatives, Edinburgh Letting Centre Limited, provide the Tribunal with an Affidavit by the Applicant dated 20 January 2026, in which he said that he wishes to extend his job role by taking on locum work in Edinburgh and stated "Having a residence there will allow me to take on extra duties and provides somewhere safe to stay in case of over night duties." He added that had no specific reason for this Property being chosen for his use and that he would have no specific reason to target this particular tenant. It was unfortunate, however, that the Respondent had taken this as an excuse to avoid inspections and stop paying rent for many months, the debt having accrued to £12,662 as of 20 January 2026.

Case Management Discussion

5. A second Case Management Discussion was held by means of a telephone conference call on the afternoon of 24 February 2026. The Applicant was represented by Mr Alex Priestly of Edinburgh Letting Centre Limited. The Respondent was present and was supported by her aunt, Mrs Angela McArthur.
6. Mr Priestly told the Tribunal that the Applicant lives in Falkirk and that his parents live with him and his partner. He did not know whether the house there belonged to the Applicant or to his parents. Mr Priestly regarded the Applicant's wish to recover the Property as genuine and was confident that it would not be re-let on the rental market.
7. At the first Case Management Discussion, the Respondent had told the Tribunal that she was not contesting the application, but she had nowhere else to go. City of Edinburgh Council will not consider rehousing her until she has an Eviction Order, She is unable to afford the rents now being charged in the private rented sector, She also wants to be rehoused in the area of the Property, so that her son can continue to attend his primary school, where he has been referred for behavioural and emotional support. She wishes to minimise disruption for him. She has also been withholding rent in full since early 2025, as the Applicant has not carried out repairs and the Property is becoming increasingly uninhabitable. She had notified the letting agents in November 2024 that she was withholding part of the rent.
8. The Respondent told the Tribunal that her position remained unchanged since the first Case Management Discussion. She and her son had lived in the Property for five years. He was very attached to the area and had made friends there. If an Eviction Order was made, she would be able to go to the Council as homeless and would have some priority with a young child, but she did not want upheaval for her son. She asked that, if the Tribunal decided to make an Order, she could be allowed a period of three months to sort out accommodation and storage.

9. The Parties confirmed to the Tribunal that they had no further evidence to offer and the Tribunal Members indicated that they were able to make a Decision without the need for a full evidential Hearing.

Reasons for Decision

10. 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.
11. 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.
12. Ground 4 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to live in the let property and that the Tribunal may find that Ground 4 applies if the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months and the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of that fact. Ground 4 goes on to state that evidence tending to show that the landlord has that intention includes an Affidavit that the landlord has that intention.
13. The Tribunal did not doubt from his Affidavit that the Applicant intended to use the Property for his own accommodation from time to time but was not satisfied that he intends to live in the Property as his only or principal home. He had stated in terms in his Affidavit that having the Property back would give him somewhere to stay when on overnight duties. This clearly indicated that he did not envisage it becoming his only or principal home. Accordingly, the Applicant had failed to satisfy the essential requirement of Ground 4 and the application must fail.

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

24 February 2026
Date