



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)

Chamber Ref: FTS/HPC/EV/25/4549

Re: Property at Flat 5, 6 Elliot Street, Edinburgh, EH7 5LU (“the Property”)

Parties:

Mr Mark Douglas Platt, c/o 3/1 Viewforth Square, Edinburgh, EH10 4LP (“the Applicant”)

Gillepsie MacAndrew, 5 Atholl Crescent, Edinburgh, EH3 8EJ (“the Applicant’s Representative”)

Mr David Gregory, Flat 5, 6 Elliot Street, Edinburgh, EH7 5LU (“the Respondent”)

CHAI (Community Help and Advice Initiative), 28 Westfield Avenue, Edinburgh EH11 2QH (“the Respondent’s Representative”)

Tribunal Members:

**Ms. Susanne L. M. Tanner K.C. (Legal Member)
Mrs. Helen Barclay (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Grounds 4 and 12 in Schedule 3 to the 2016 Act are established by the Applicants, namely that:

- (i) the landlord intends to occupy the let Property as the landlord’s only or principal home for at least three months; and that it is reasonable to issue an eviction order on account of that fact; and**
- (ii) for three or more consecutive months the tenant has been in arrears of rent; and that it is reasonable on account of that fact to issue an eviction order;**

and the tribunal made an order for eviction in terms of section 51 of the 2016 Act, with the date of enforcement of the order delayed until 12 noon on 19 June 2026

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant's Representative made an application to the tribunal on 21 October 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 Applicant seeks an order for eviction of the Respondent from the Property under Grounds 4 and 12 of Schedule 3 to the 2016 Act, in summary that a landlord intends to live in the let Property; and that the tenant has been in rent arrears for three or more consecutive months.
3. The Applicant's Representative lodged the following with the Application:
 - 3.1. Paper apart
 - 3.2. Title deeds
 - 3.3. Notices to Leave
 - 3.4. Rent Statements
 - 3.5. Pre-action protocol requirement letters
 - 3.6. Homeless decision Letter
 - 3.7. Letter from consultant (later withdrawn and does not form part of the Application paperwork).
4. The tribunal requested further information from the Applicant's Representative which was provided.
5. The tribunal's administration obtained the title sheet for the Property which showed that the Applicant is the registered proprietor.
6. The tribunal confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland.
7. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 11 February 2026 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 4 March 2026 at 1000h. The Respondent was invited to make written representations in response to the Application by 4 March 2026. 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. The case was linked with a related payment application for rent arrears (FTS/HPC/CV/25/4550) and the CMD was fixed for the same date and time.

8. The Respondent appointed a Representative.
9. The Respondent did not lodge any opposition to the Application or lodge any written submissions.
10. On the morning of 27 March 2026, shortly before the hearing, the tribunal clerk provided the tribunal members with correspondence sent by parties' representatives to the tribunal's administration on 25 March 2026, in relation to this case and the related CV case:

10.1. The Respondent's Representative stated as follows:

"The parties have now reached an agreement and wish to intimate their joint position as follows:

- 1. The respondent will not oppose an order for possession.*
 - 2. Any order for possession should not be enforceable for 12 weeks from the hearing date of 27 March 2026.*
 - 3. Vacant possession will be given before 12 pm, 19 June 2026.*
 - 4. The applicant will withdraw the civil application for payment in FTS/HPC/CV/25/4550.*
 - 5. There will be no further action regarding alleged rent arrears.*
- In light of the above, the parties would be grateful if the Tribunal would consider whether matters can be dealt with administratively, without the need for a full hearing on Friday."*

10.2. The Applicant's Representative responded as follows:

"I act for the Applicant in the below referred to case. For the avoidance of doubt, I confirm that the position detailed by Mr Donegan below is agreed."

11. Because the parties' agreed position was not presented to the tribunal until shortly before the hearing was due to commence, the tribunal excused the representatives' attendance from the hearing (which was intimated by the clerk to the representatives) and the hearing took place in the absence of both parties.

Case Management Discussion (CMD): 27 March 2026, 1000, Teleconference

12. Both parties were excused from attendance at the CMD, as above.

13. The tribunal considered the parties' joint motion for an eviction order to be issued with a delay in enforcement of the order to noon on 19 June 2026.

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

14.1. The Applicant is the registered proprietor of the Property.

14.2. The Applicant entered into a private residential tenancy with the Respondent for the Property with a start date of around March 2020.

14.3. The Respondent lives in the property alone.

14.4. The Applicant intends to live in the let Property.

14.5. The Respondent has been in rent arrears for three or more consecutive months.

14.6. Notice to Leave dated 2 July 2025 was served on the Respondent under Grounds 4 and 12 of Schedule 3.

14.7. The Respondent continues to reside in the Property.

Discussion

15. The parties' agreed a position in settlement of this case and the related payment application which was intimated to the tribunal's administration on 25 March 2026 and put before the tribunal on 27 March 2026, as above.

16. The tribunal was satisfied on the basis of the findings in fact that Grounds 4 and 12 in Schedule 3 of the 2016 Act are established.

17. The tribunal was satisfied that as per the findings in fact and the parties' agreement as to settlement terms, that it was reasonable to make an order for eviction, with the date of enforcement delayed to 19 June 2026.

18. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act, with the date of enforcement delayed to 19 June 2026.

19. The related payment application FTS/HPC/CV/25/4550 was withdrawn.

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.

Susanne L. M

27 March 2026

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