



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 58 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/PR/25/4131**

**Re: Property at 4/3 Bonnington Gait, Edinburgh, EH6 5NZ (“the Property”)**

**Parties:**

**Mr David Timmins, Miss Ellis Phillips, 2/2 Harrismith Place, Edinburgh, EH7 5PA (“the Applicant”)**

**Mr James Parker, 79 Underwood Grove, Northumberland, NE23 3UT (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) refused the application and determined that the Applicants were not misled into ceasing to occupy the Property.**

**Background**

1. The Applicants submitted an application under Rule 110 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for a wrongful termination order.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 18 February 2026 informing both parties that a CMD had been assigned for 9 April 2026 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make

a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 11 March 2026. The Tribunal received written representations from the Respondent on 8 March 2026 and a copy was sent to the Applicants.

### **The case management discussion – 9 April 2026**

4. The CMD took place by conference call. The Applicants joined the conference call and represented themselves. The Respondent also joined the conference call, represented himself and was accompanied by his wife. The Tribunal explained the purpose of the CMD.
5. The Applicants confirmed that they had read the Respondent's submissions and did not dispute the content. The Tribunal explained that, although the Applicants were served with a notice to leave on 10 January 2024, the tenancy in fact terminated on the Applicants' notice served on 19 January 2024. The Applicants advised that they were satisfied that the Respondent had an intention to sell the Property, albeit that had not in fact come to pass.
6. The Tribunal advised the parties that it found that the Applicants had not been misled into vacating the Property and therefore the application for a wrongful termination order was refused. The parties were advised that a written decision would be issued in due course.

### **Findings in Fact**

7. The Respondent is the former landlord and heritable proprietor of the Property at 4/3 Bonnington Gait, Edinburgh, EH6 5NZ.
8. The Applicants were the tenants of the Property.
9. The parties entered into a private residential tenancy which commenced 19 August 2022.
10. The Respondent served a notice to leave on the Applicants on 10 January 2024, specifying ground 1 as the intended ground of eviction.
11. At the time the Notice to Leave was served, the Respondent intended to sell the let Property.
12. The Applicants served notice on the Respondent on 19 January 2024 providing 28 days' notice to terminate the tenancy on 15 February 2024.
13. The Applicants vacated the Property on 15 February 2024 and the tenancy terminated on that date.
14. In March 2024, the Respondent made a verbal agreement to sell the Property.

15. The sale of the Property did not proceed and the Respondent let the Property out again in October 2025.
16. The Applicants were not misled by the Respondent into ceasing to occupy the Property.

### **Reason for Decision**

17. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
18. The Tribunal proceeded on the basis of the documents lodged and the information provided by the parties at the CMD.
19. The Respondent lodged documentation which supported his position that at the time the notice to leave was served, he intended to sell the Property. The Applicants accepted the explanation provided by the Respondent. The Respondent served notice to leave on the Applicants on 10 January 2024. That notice was due to expire on 6 April 2024. However, the tenancy did not terminate on that notice. The Applicants served notice on 19 January 2024 to terminate the tenancy on 15 February 2024. The tenancy was therefore terminated on 15 February 2024 in terms of section 48 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”).
20. There was documentary evidence before the Tribunal that the Respondent had reached agreement in March 2024 to sell the Property. This was not disputed by the Applicants and the Tribunal accepted that the Respondent intended to sell the Property within 3 months of the Applicants ceasing to occupy it. The Tribunal concluded that the Applicants had not been misled into ceasing to occupy the Property.
21. The Tribunal considered section 58 (3) of the Act which states:

*The Tribunal may make a wrongful-termination order if it finds that the former tenant was misled into ceasing to occupy the let property by the person who was the landlord under the tenancy immediately before it was brought to an end.*

On the basis that the Tribunal found that the Applicants had not been misled into ceasing to occupy the Property, the Tribunal refused the application for a wrongful termination 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.**

Nicola Irvine

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**Legal Member/Chair**

**10<sup>th</sup> April 2026**  
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**Date**