

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/25/4912**

**Re: Property at 35 Forthview Crescent, Edinburgh, EH14 5QX (“the Property”)**

**Parties:**

**Mr Nigel Williams, 14 West Bay Road, North Berwick, EH39 4AW (“the Applicant”) and**

**Accommodate Edinburgh, 18 Northgate, Peebles, EH45 8RS (“the Applicant’s Representative”) and**

**Ms Mandy Philp, 35 Forthview Crescent, Edinburgh, EH14 5QX (“the Respondent”)**

**Tribunal Members:**

**G McWilliams: Legal Member**

**A Khan: Ordinary Member**

**Decision:**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.**

**Background**

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

**Case Management Discussion**

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 2pm on 4<sup>th</sup> June 2026. The Applicant’s Representative’s Mrs J Lockett attended. The Respondent, Ms Philp, and her daughter in law, Ms M Ward, also attended.

3. Mrs Lockett referred to the Application case papers, including the Affidavits sworn by the Applicant, Mr Williams, and his son, Mr C Williams, on 10<sup>th</sup> January 2026. Mrs Lockett stated that Mr Williams wishes to recover possession of the Property as soon as possible so that his son Mr C Williams can reside there.
4. Ms Ward referred to the e-mail which she had previously sent to the Tribunal's office on behalf of Ms Philp. She said that Ms Philp does not oppose the grant of an eviction order and that she and Ms Philp are due to attend at Edinburgh City Council Housing Office at 9.00am on Monday 8<sup>th</sup> June 2026 in order to progress Ms Philp's application for a social housing tenancy. She said that Ms Philp is ready to move out of the Property and does not require to have the enforcement date of an eviction order deferred.

### **Findings in Fact and Law and Reasons for Decision**

5. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy ("PRT") if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
6. Schedule 3 (5) (1) of the 2016 Act provides that it is an eviction ground that a member of the landlord's family intends to live in the let property and confirms the criteria for the grant of an eviction order on this ground.
7. Therefore, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order against tenants (such as the Respondent) in respect of a tenancy agreement such as the tenancy agreement of the parties.
8. Having considered all of the Application papers and the submissions of Mrs Lockett and Ms Ward the Tribunal finds in fact that the Applicant Mr Williams through his Representative, has provided the Tribunal, in the Application for an eviction order, with copies of the Notice to Leave ("NTL") served on Ms Philp and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Edinburgh City Council. These documents had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (5) in the 2016 Act. The Tribunal further finds in fact that the Applicant Mr Williams' son, Mr C Williams, intends to reside in the Property.
9. In making its findings in fact the Tribunal relied on the documentation in the Application papers, in particular the terms of the said Affidavits. They also relied on the oral submission of Ms Lockett the terms of which were consistent with the terms of the relevant documentation, as well as the oral submission of Ms Ward.
10. Accordingly, the Tribunal finds in law that the ground in Schedule 3 (5) of the 2016 Act is met, as Mr C Williams intends to reside in the Property, and that it is reasonable that an eviction order be granted.

## **Decision**

11. Therefore, the Tribunal makes an order for eviction of the Respondent, Ms Mandy Philp, from the Property at 35 Forthview Crescent, Edinburgh, EH14 5QX.

## **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.**



**G McWilliams**

**4<sup>th</sup> June 2026**

**Tribunal Legal Member**