

Housing and Property Chamber

First-tier Tribunal for Scotland



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/25/2827

Re: Property at 41/1 Great King Street, Edinburgh, EH3 6QR (“the Property”)

Parties:

Mr Duncan Healey, 13410 Sundowner Drive, Houston, Texas, TX 77041, United States (“the Applicant”) and

D.J. Alexander, John Cotton Business Centre, 10 Sunnyside, Edinburgh, EH7 5RA (“the Applicant’s Representative”) and

Mr Gelsthorpe Alabo, 41/1 Great King Street, Edinburgh, EH3 6QR (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

A Khan - Ordinary Member

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined as follows:

Evidential Hearing on 26th June 2026

1. An evidential Hearing proceeded in person at the Edinburgh Tribunal venue at 10am on 26th June 2026. The Applicant Mr Healey’s Representative’s Mr M. Urquhart attended. Mr Alabo did not attend and was not represented. The Tribunal noted that details of the Hearing were intimated to Mr Alabo, by email to his given email address, on 29th May 2026.
2. Mr Urquhart referred to the existing Application papers, including a recently submitted Statement of a neighbouring proprietor and an Investigation Report of Edinburgh City Council, dated 25th June 2026, which he had sent by email to the Tribunal’s office on that date. He said that Mr Healey remains clear that Mr Alabo has been subletting the Property. He further said, as stated in the Report, that Mr Alabo has recently ended tenancies of two Edinburgh properties which he was also subletting and remains under investigation, by Edinburgh City

Council, in respect of his tenancies, and alleged subletting, of three other properties, including the Property. He stated that there are now rent arrears owing, in respect of the tenancy of the Property, in the sum of £7879.86 and provided the Tribunal with a copy of an updated Rent Statement. Mr Urquhart asked the Tribunal to grant an eviction order as doing so will end Mr Alabo's subletting of the Property and further loss to Mr Healey.

Statement of Reasons

3. 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 if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
4. Schedule 3 (11) of the 2016 Act provides that it is an eviction ground that the tenant has failed to comply with an obligation under the tenancy and confirms the criteria for the grant of an eviction order on this ground.
5. The Tribunal considered all of the papers lodged in respect of this Application. They also took account of Mr Urquhart's submissions. Having done so the Tribunal found in fact that Mr Alabo has regularly been subletting the Property and found in law that he is in breach of Clause 12 in the parties' Private Residential Tenancy agreement ("PRT"). The Tribunal, in making their findings in fact and law, placed particular reliance on the independent evidence submitted by Mr Urquhart, being the neighbouring proprietor's Statement and Edinburgh City Council's Investigation Report regarding Mr Alabo's subletting of properties, including the Property. They also placed reliance on the absence of any recent contradictory representations or evidence from Mr Alabo. Mr Alabo submitted written representations in advance of the Case Management Discussion ("CMD"), which took place on 19th December 2025. He attended at the CMD and made oral representations. However, Mr Alabo has not made any further written representations. He was notified of the details of the evidential Hearing but did not submit any representations to the Tribunal in advance of the Hearing. Mr Alabo did not attend at the Hearing to give evidence in contradiction of the terms of the Application and papers subsequently lodged by Mr Urquhart and, in particular, has not provided any further information to the Tribunal regarding the issues of whether or not he has been subletting the Property and if it is reasonable to grant the order sought. In the circumstances, the Tribunal decided that it is reasonable to grant an eviction order.

Decision

6. The Tribunal therefore makes an eviction order as sought in this Application.

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

Tribunal Legal Member

26th June 2026

Date