



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 Act”)

Chamber Ref: FTS/HPC/EV/25/4656

Re: Property at 4/20 The Artimis, Leith, Edinburgh, EH6 4EP (“the Property”)

Parties:

Mrs Kamaljit Kaur, 15 Glebe Road, Bristol, BS5 8JJ (“the Applicant”)

Mr Prithviraj Singh, 4/20 The Artimis, Lindsay Road, Edinburgh, EH6 4EP (“the Respondent”)

Tribunal Members:

Steven Quither (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) UNANIMOUSLY determined to grant the order for eviction sought by the Applicant

BACKGROUND

1. This is an application dated 10 and lodged on 29, both October 2025 to bring to an end what appears to be a Private Residential Tenancy (“PRT”) between the parties in respect of the Property commencing 1 March 2018 at an initial rent of £1250 per month and with a deposit paid by the Respondent of £2500.
2. Although the actual PRT was never lodged by the Applicant, an email from the Respondent dated 4 September 2025 (apparently in response to the Notice to Leave hereafter referred to) appears to accept the existence of a PRT for the Property with him as tenant and with the initial rent and deposit as referred to

in the preceding paragraph, albeit he states in said email said rent was subject to adjustment.

3. A further email from the Respondent dated 8 September 2025 disputes the Applicant's assertion that he no longer occupies the Property, stating that the Property remains his home and contains his belongings, albeit that at that time he was abroad.
4. A further email from him of 26 September 2025 confirms payment of rent since March 2018, that "Ravi" told him he could sublet the property, that the Property was still his main residence and he was trying to find his copy of the PRT.
5. After Tribunal requests for further information and clarification dated 30 October, 24 November and 15 December 2025 were answered by the Applicant on 12, 24 and 27 November and 16 and 17 December 2025, the Tribunal accepted the application by Notice of Acceptance of 22 January and a Case Management Discussion ("CMD") was duly fixed for 4 June, both 2026.
6. Prior to the CMD, preliminary consideration of the supporting documentation for this application confirmed Notice to Leave dated 11 August 2025 was sent to the Respondent by email on 12 August 2025, based on the Respondent not occupying the Property and being in breach of the PRT (Grounds 10 & 11 respectively of Schedule 3 of the Act).
7. By email of 11 August 2025 sent to the Applicant, Matthew Gormley, PRS Enforcement Officer from the City of Edinburgh Council ("CEC") confirmed an investigation had been carried out by him and he had evidence from 2 (sub) tenants of the Respondent at the Property and a further prospective tenant that the Respondent had been accepting rent from them, had not been living at the Property since at least June 2024, had declared himself to be the owner of the Property in 3 separate PRTs and had been issued with a Rent Suspension Order for operating an unlicensed HMO, as well as a Rent Penalty Notice for failing to register as a landlord.
8. On 10 October 2025, the appropriate local authority was notified of the application in terms of s11 of the Homelessness etc. (Scotland) Act 2003.
9. The Applicant requested Service by Advertisement on 25 November 2025. Said Tribunal request of 15 December 2025, previously referred to, requested evidence of efforts made by the Applicant to locate the Respondent. The

Applicant 's response of 17 December confirmed a Positive Trace Result of the Respondent at the Property from UK Tracing dated 17 December 2025

10. By emails of 27 and 28 January 2026, the Applicant provided further information to the Tribunal, including correspondence with CEC regarding complaints, (redacted) court order relating to the Property from Bristol Family Court, Nat West bank statements for account in her name showing payments received by her from the Respondent between 3 February and 31 July 2025 and a valuation of the Property dated 27 January 2026 from a Joanna Rizzo, Property Agent.
11. By further emails of 2 March and 2 and 14 May 2026, the Applicant advised that her mother-in-law and the joint owner of the Property, Sarjit Singh, had died, rent payments had ceased, that she was still responsible for mortgage and factor's payments and that efforts on her behalf to resolve matters with the Respondent had been unsuccessful, due to lack of engagement by the Respondent. She also sent further correspondence with CEC.
12. Letterbox service of this application and associated documentation was made on the Respondent by sheriff officers on 15 May 2026.

CASE MANAGEMENT DISCUSSION on 4 JUNE 2026

13. The CMD took place by teleconference and commenced shortly after 2pm, with only the Applicant attending and no attendance or representation by or on behalf of the Respondent.
14. In her submission to the Tribunal and in response to questions asked by the Tribunal, the Applicant advised, submitted and confirmed:--
 - a) All of the information she had obtained, particularly from Mr Gormley, indicated the Respondent was no longer occupying the Property, even if some of his belongings remained there;
 - b) He had sublet the Property without her consent and appeared to have been representing himself as a landlord of the Property to enable him to do so, all of which had come to light when Mr Gormley began investigating a complaint that the Property was being used for multiple occupation, which led to an investigation into unpaid council tax;
 - c) He had stopped paying rent;
 - d) The court order was in respect of matrimonial proceedings between the Applicant and her husband, Ravinder Singh Roud (now deceased) and

concerned the likely sale of the Property for reasons connected with those proceedings and the Applicant's tax affairs; and

- e) Despite all stated by the Respondent in emails referred to, he had not followed up any of them and had obviously not now attended to oppose this application.

FINDINGS IN FACT

15. The parties entered into a PRT for the Property commencing 1 March 2018 at an initial rent of £1250 per month and with a deposit paid by the Respondent of £2500.
16. The Respondent has not been residing in the Property since about June 2024 and has purported to sublet it, or parts of it, for multiple occupation and without the consent or knowledge of the Applicant.

REASONS FOR DECISION

17. The Tribunal was satisfied on the basis of what the Applicant advised and the information contained in the casefile that both Grounds 10 and 11 of Schedule 3 of the Act had been established.
18. Mr Gormley appeared to have carried out a thorough investigation of the present occupancy position of the Property, as set out in his email of 11 August 2025, which appeared to confirm both grounds applied.
19. By reference to Clause 7 of the Scottish Government Model PRT presently available on its website, failure by the Respondent to occupy the Property as his home would constitute a breach of the PRT (Ground 11), as well as forming the basis of a Ground 10 eviction on its own.
20. By further reference to Clause 12 of said Model PRT, subletting of the Property or any part of it is specifically prohibited without prior written permission from the Applicant, none of which was produced or conceded by the Applicant.
21. That being so, without requiring to consider any further possible breaches of said Model PRT and in the absence of any contrary argument or opposition, the Tribunal was of the view that Grounds 10 and 11 founded upon by the Applicant had been established and that it is just and reasonable to grant the order sought, which it is now content to do.

DECISION

22. To grant the order for eviction sought by the Applicant.

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.

SR QUITHER

17 JUNE 2026

Legal Member/Chair

Date