



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/1472

Re: Property at 60/13 Albion Road, Edinburgh, EH7 5QZ (“the Property”)

Parties:

Mr Itay Idan, 24 Cornhill Terrace, Edinburgh, EH6 8EL (“the Applicant”)

Mr Keith Maclsaac, 60/13 Albion Road, Edinburgh, EH7 5QZ (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory process and the Ground for recovery of possession having been established, it is reasonable to grant the Order sought with the effective date of 1 September 2026.

Background

1. By application received on 8 April 2025, (“the Application”), the Applicant, Mr. Idan, applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 1 of Schedule 3 to the 2016 Act, the landlord intends to sell the let property.

2. The Application comprised the following:
 - i) copy private residential tenancy agreement in respect of the Property between the Parties;
 - ii) copy Notice to Leave in terms of Ground 1, together with proof of sending to the Respondent, Mr. MacIsaac and proof of intention to sell;
 - iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Edinburgh City Council being the relevant local authority;

Case Management Discussion (CMD)

3. A CMD took place on 14 October 2025, the outcome of which was that a Hearing on the facts of the Application was fixed for 31 March 2026 and postponed to 14 April 2026, due to lack of accommodation on the part of the tribunal administration.

Hearing

4. A Hearing took place on 14 April 2026 at 10.00 at George House, 126, George Street, Edinburgh. Both Parties were present and neither was represented.
5. The Tribunal explained that it required to be satisfied that the correct statutory process had been carried out, that the Ground for the Order is evidenced and that it is reasonable to grant the Order. The Tribunal advised that from the papers before it, it was satisfied that the correct statutory process had been carried out and that the Ground for the Order had been evidenced and so the Hearing would deal with evidence to establish if it is reasonable to grant the Order.
6. Both Parties set out their respective positions, including the Respondent's health conditions and the difficulty of finding alternative accommodation in Edinburgh, and the Applicant's need to sell the property. Having established that Mr MacIsaac's principal concern related to the length of time he would require to secure alternative suitable accommodation, and that the Applicant was willing to consider a departure from the usual timescales, the Tribunal offered the Parties an opportunity to reach a mutually acceptable date after which any eviction order could be enforced.

7. The Tribunal adjourned the Hearing for the Parties to have a discussion in private. On reconvening the Hearing, the Parties advised that consensus had been reached that Mr. Idan would agree to defer the effective date of the Order to 1 September 2026, and, on that basis, Mr. Maclsaac consented to the Order being granted.

Decision of the Tribunal and reasons for the Decision.

8. The Parties having agreed a mutually acceptable date for an Order to take effect and the Application no longer being opposed, the Tribunal determined that it is reasonable to grant the Order sought with the effective date of 1 September 2026.

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.

K. Moore

14 April 2026

Legal Member/Chair

Date