



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/26/1054

Re: Property at 55/4 Bryson Road, Edinburgh, EH11 1DS (“the Property”)

Parties:

Mrs Wendy Pearson, Dr Michael Pearson, 37 Allan Park Crescent, Craiglockhart, Edinburgh, EH14 1LF; 37 Allan Park Crescent, Edinburgh, EH14 1LF (“the Applicant”)

Mrs Kawthar Mesleh Al Jedaan, Ferhan Meteb Al Alewi, (husband), 55/4 Bryson Road, Edinburgh, EH11 1DS (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted.

Background

1. By application dated 5 March 2026 the Applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 18 May 2026 the application was accepted by the tribunal and referred for determination by the tribunal.
2. A Case Management Discussion (CMD) was set to take place on 7 October 2026, and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

3. The CMD took place on 7 October 2026 via telephone case conference. The Applicant attended. They were represented by Mr Hamilton of ELP Arbuthnot McClanachan. The Respondent did not take part. The Tribunal was satisfied that the Respondent had received the application and details of the CMD by sheriff officers service on 11 August 2026. The Tribunal decided to proceed with the CMD in the absence of the Respondent. The Tribunal was satisfied that the requirements of Rule 24 (1) regarding the giving of notice of a hearing had been complied with and proceeded with the Case Management Discussion in terms of Rule 29 of the 2017 Rules.
4. The Tribunal heard from the Applicant.
5. The Applicant intends to sell the Property. A Home Report has been prepared. This Property is their only rental property. They purchased it originally (with a mortgage and redundancy payment) for their daughter while she was a student at the University of Edinburgh. Thereafter they agreed to lease to the Respondent as part of a scheme run by Edinburgh Refugee Sponsorship Circle. They had intended to sell earlier but Covid struck. They are now getting older; are both retired and have had periods of ill-health. They no longer wish to be landlords. There is a mortgage on the Property, and they would wish to sell the Property to pay for that mortgage and to assist their children with the proceeds.
6. The Property has 3 bedrooms, a living room, kitchen/dining room and a main bathroom. One bedroom has an en suite. The Respondent has 4 children between the ages of 11 and 18 years. They have been in the property for 5 years and there has never been any issues with the tenancy. Although the Respondent now has leave to remain neither of them is currently employed.
7. The Applicant had contact with the Respondent about 8 weeks ago by text message and the Respondent did respond to say that they were fine but that there was a housing crisis. Initially when the notice to leave was served the Applicant had close contact with Edinburgh Refugees Sponsorship Circle who were liaising with the local authority who advised that the Respondent would be given a priority on the housing list.

Findings in Fact

8. The Applicant is the registered owner of the property.
9. The Applicant is the landlord and the Respondent the tenant in terms of the private residential tenancy entered into on 16 September 2021.

10. The agreed monthly rental payment was £773.75.
11. On 5 December 2025 the Applicant served upon the Respondent a notice to leave as required by the Act. The notice informed the Respondent that the Applicant wished to recover possession using the provisions of the Act.
12. A notice was served on Edinburgh City Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003.
13. The Applicant is entitled to sell the property and intends to do so. The Applicant has had a home report prepared in connection with the sale.

Reasons for Decision

14. The Tribunal noted that the eviction was sought under and in terms of ground 1 of schedule 3 of the Act.

15. That ground is in the following terms:

“1. Landlord intends to sell

(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by the sub-paragraph (1) applies if the landlord-

(a) Is entitled to sell the let property

(b) Intends to sell it for market value or at least put it up for sale within 3 months of the tenant ceasing to occupy it and

(c) The Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”

16. The parties are the landlord and tenant of the Property which is a private residential tenancy under the Act. A Notice to Leave was served on the Respondent indicating that the Applicant intended to seek an eviction order based on ground 1. The Applicant is entitled to sell the property. The Applicant produced a Home Report dated 6 June 2025. The Tribunal is satisfied that the Applicant intends to sell or at least market the property at market value within 3 months of the tenant ceasing to occupy. They advised the Tribunal of their intention to sell the Property and their reasons for doing so at this time. The Tribunal accept the evidence of the Applicant on that matter.
17. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required

to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.

18. The Tribunal find that it is reasonable to grant the order.
19. The Tribunal accepts that the Applicant is entitled to sell and wish to do so. The Respondent did not attend the CMD. While the Tribunal are aware that the Respondent resides in the Property with their 4 children, they did not attend the CMD to provide any additional information as to their current circumstances. The Applicant understands that they are being supported to obtain some priority on the local authority housing list.
20. The Applicant wishes to sell the property. They are older and retired and have had recent health issues. They no longer wish to be landlords. They wish to sell the Property to use some of the proceeds to support their own children.
21. In all the circumstances it is reasonable to grant the order.
22. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

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.

J. McKinlay

7th October 2026

Legal Member/Chair

Date
