



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/24/0646**

**Re: Property at 2/2 Oxcars Court, Edinburgh, EH4 4SP (“the Property”)**

**Parties:**

**Mr Alistair Huddleston, Fern Bank, Emma Terrace, Blairgowrie, PH10 6JA (“the Applicant”)**

**Ms Helen Moore, 2/2 Oxcars Court, Edinburgh, EH4 4SP (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision (in absence of the Respondent)**

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

**Background**

[2] The Applicant seeks an Eviction Order under Ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice to leave with proof of service; evidence of the reasons as to why the Applicant wishes to sell the Property and the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 11:30 am on 1 May 2024. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] The Tribunal was addressed on the Application by the Applicant. The Tribunal carefully considered the reasonableness or otherwise of granting the Application. Having done so, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- II. The Applicant competently served a notice to leave on the Respondent under ground 1 of Schedule 3 of the Act. The Applicant wishes to sell the Property to Edinburgh City Council. That is because Edinburgh City Council have voted to carry out significant repairs to the building in which the Property is situated. These are unaffordable for the Applicant. Edinburgh City Council offered the Applicant a deal whereby they would purchase the Property from him. Edinburgh City Council insisted that it must be sold without a sitting tenant.*
- III. The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. The Respondent has not engaged with the Tribunal process. The Property has not been specially adapted for her purposes. The Respondent lives alone in the Property. The Respondent is aware of the methods by which she might receive support to find alternate accommodation.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal found that the ground relied upon was established and that it was reasonable to make an Eviction Order. The Tribunal therefore granted the 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.**

# A. McLaughlin

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**1 May 2024**