



**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/24/0054**

**Re: Property at 165 Upper Craighour, Edinburgh, EH17 7SQ (“the Property”)**

**Parties:**

**Mr Salem Burwaiss, 12/6 Sienna Gardens, Edinburgh, EH9 1PQ (“the Applicant”)**

**Zinab Bodbos, Tarek El-Fergani, 165 Upper Craighour, Edinburgh, EH17 7SQ (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**[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 3 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 23 August 2024. The Applicant was represented by Mr Stewart, solicitor. The Respondents were also personally present with their representative Mr Wilson from Edinburgh Housing and Advice Partnership. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with Mr Wilson. He confirmed that the Respondents wished to leave the Property and specifically wanted the Tribunal to make the order sought today. Having heard from parties, the Tribunal made the following findings in fact.

## **Findings in Fact**

- I. *The Applicant let the property to the Respondents by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- II. *The Applicant now wishes to refurbish the Property.*
- III. *The Applicant has competently served a notice to leave under ground 3 on the Respondents;*
- IV. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondents wish to leave the Property and expressly request that the order is made today. The Respondents have had the benefit of legal advice.*

## **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal considered that ground 3 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal 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.**

Andrew McLaughlin

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Legal Member/Chair

23 August 2024

Date