

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/24/2111**

**Re: Property at Flat 3, 10 East Pilton Farm Crescent, Edinburgh, EH5 2GH (“the Property”)**

**Parties:**

**Pepper (UK) Limited, Harman House, 1 George Street, Uxbridge, London, UB8 1QQ (“the Applicant”) and**

**Yuill and Kyle Ltd, Capella, 60 York Street, Glasgow G2 8JX (“the Applicant’s Representative”) and**

**Ms Barbara Alvey, Flat 3, 10 East Pilton Farm Crescent, Edinburgh, EH5 2GH (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**D Fotheringham - Ordinary Member**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.**

### **Background**

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicant’s Representative had provided the Tribunal, in the Application, with copies of the Decree, for possession and sale, granted in favour of the Applicant Pepper (UK) Limited at Edinburgh Sheriff Court on 21<sup>st</sup> November 2023, the Private Residential Tenancy Agreement (“the PRT”) in respect of the Property, the Notice to Leave served on the Respondent Ms B Alvey and the Section 11 (Homelessness

Etc. (Scotland) Act 2003) Notice intimated to Edinburgh City Council. All of these documents and forms had been correctly and validly prepared, and issued, in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Application papers and Guidance Notes had been served upon the Respondent by Sheriff Officers on 4<sup>th</sup> October 2024.
4. The Respondent had not lodged any representations in respect of the Application.

### **Case Management Discussion**

5. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10am on 12<sup>th</sup> November 2024. The Applicant’s Representative’s Mr R Taylor attended. The Respondent did not attend and was not represented. There was no explanation for her absence.
6. Mr Taylor referred to the Application and stated that the Applicant sought to recover vacant possession of, and sell, the Property. He said that the Applicant had not received any communication from the Respondent since May 2024 when their field agent reported that they had met the Respondent at that time. The field agent reported that the Respondent said that she had obtained housing law advice regarding the PRT. Mr Taylor submitted that the Applicant believed that the Respondent had lived alone at the Property but had no definitive information regarding the Applicant’s home and work circumstances.

### **Findings in Fact and Law and Reasons for Decision**

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (2) (1) of the 2016 Act provides that it is an eviction ground that a lender intends to sell the let property.
9. The Tribunal considered all of the Application papers, as well as the submission of Applicant’s Representative’s Mr Taylor.
10. The Respondent had not lodged representations with the Tribunal regarding the reasonableness of the grant of an eviction order or attended the CMD to provide any evidence, and/or make any submission, to oppose, and contradict the basis for the order sought by the Applicant.

11. Having considered all of the evidence and submissions, the Tribunal finds in fact that the Applicant intends to sell the property. The Tribunal finds in law that the ground in Schedule 3 (2) (1) of the 2016 Act is met and determines that it is reasonable that an eviction order be granted.

### **Decision**

12. The Tribunal therefore makes an eviction order as sought in this 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.**

# G McWilliams

12<sup>th</sup> November 2024

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Legal Member

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Date