

**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/24/1626**

**Property : 10 Barley Bree Lane, Easthouse, Dalkeith EH22 4UD (“Property”)**

**Parties:**

**Melville Property Limited, 5 South Gyle Crescent Lane, Edinburgh EH12 9EG (“Applicant”)**

**Ennova Law, 26 George Square, Edinburgh EH8 9LD (“Applicant’s Representative”)**

**Bryan Wright and Chelsea Lorimer, 10 Barley Bree Lane, Easthouse, Dalkeith EH22 4UD (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Elaine Munroe (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 17 April 2019; Notice to Leave addressed to each Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 9 January 2024 ("Notice to Leave"); copy email dated 9 January 2024 attaching the Notice to Leave; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering letter dated 6 April 2024;

A Case Management discussion (“CMD”) took place on 7 August 2024. The outcome was that a continued CMD was fixed for 11 February 2025 for the provision of up to date documents to support the ground for eviction.

On 20 January 2025 the Applicant’s Representative lodged a written submission which included a schedule of rent arrears which indicated arrears of £26,189.04 as at 6

January 2025, a quote from McDougall McQueen, Estate Agents, dated 9 January 2025 regarding the sale of the Property and a letter from Bank of Scotland dated 20 August 2024 which stated that the Applicant had agreed with the Bank to sell the Property to partially repay a loan outstanding to the Bank.

On 28 January 2025 the Respondent lodged a written submission in which Ms Lorimer explained the challenges encountered by the Respondent over the previous 12 months and stated that the application for an eviction order was not opposed.

### **Continued Case Management Discussion**

A continued CMD took place before the Tribunal on 11 February 2025 by teleconference. Rosie Seaward of the Applicant's Representative was in attendance. There was no appearance by the Respondent. Ms Seaward told the Tribunal that the only recent contact with the Respondent had been an exchange of emails in which Ms Lorimer indicated she would prefer not to attend the CMD and that she was meeting with the local authority on 12 February 2025 to discuss alternative accommodation. The Tribunal noted that the schedule of rent arrears lodged on 20 January 2025 showed arrears of £26,189.04 and asked if anything had been paid towards the arrears. Ms Seaward said that no payments had been made. Ms Seaward told the Tribunal that the Applicant company owned around 10 properties. She said the individual who owned the company died two years ago and his children were now trying to get to grips with the portfolio and its borrowings. She said two properties had been selected for sale. She said that the Property was selected due to the high level of arrears.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property which commenced on 17 April 2019.
2. A Notice to Leave was served on the Respondent by email on 9 January 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 5 April 2024.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 6 April 2024.
4. The Applicant holds title to the Property and is entitled to sell the Property.
5. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

## **Reasons for the Decision**

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a quote from McDougall McQueen, Estate Agents, dated 9 January 2025 regarding the sale of the Property and a letter from Bank of Scotland dated 20 August 2024 which stated that the Applicant had agreed with the Bank to sell the Property to partially repay a loan outstanding to the Bank. The Tribunal considered the evidence provided and determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness as set out in the documents lodged and the oral submissions from Ms Seaward. The Tribunal also considered the written representations from the Respondent in which Ms Lorimer had indicated that the application for an eviction order was not opposed. In the circumstances the Tribunal determined that it was reasonable to grant an order for possession of the Property.

## **Decision**

The Tribunal determined to grant an order for possession of the Property.

### **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.**

# Joan Devine

**Joan Devine  
Legal Member**

**Date : 11 February 2025**