

Housing and Property Chamber

First-tier Tribunal for Scotland



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/E/24/3481

Re: Property at 167 C High Street, Dalkeith, EH21 1BB (“the Property”)

Parties:

Greyneshed Properties Limited, Unit B, Wallyford, Industrial Estate, Wallyford, Midlothian, EH21 8QJ (“the Applicant”) and

Ennova Limited, 8 South Tay Street Dundee DD1 1PA (“the Applicant’s Representative”) and

Ms Amanda Coward, 167 C High Street, Dalkeith, EH21 1BB (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
E Dickson- Ordinary Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined as follows:

Background

1. This Application, contained in papers lodged with the Tribunal, was brought 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, through their Representative, had provided the Tribunal, in the Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Midlothian Council. All of these documents and forms had been correctly and validly

prepared 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 Respondent, Ms Coward, had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 22nd January 2025, and the Certificate of Intimation was produced.

Case Management Discussion on 4th March 2025

4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10.00am on 29th February 2024. The Applicant’s Representative’s Mr C Webber and the Respondent Ms Coward attended.
5. Mr Webber stated that the Applicant had re-organised their business and that their company Greyneshed Properties Limited are now the owner and landlord in respect of the Property. He said that as part of the re-organisation the company wish to sell their residential rental properties. He stated that Ms Coward is a longstanding tenant whose rent account is up to date. Mr Webber said that the company would like to recover their property in an amicable way. He stated that the company was content to agree a date for enforcement of an eviction order beyond that stipulated in the relevant legislation, of 2nd June 2025, to assist Ms Coward in obtaining a new tenancy from Midlothian Council.
6. Ms Coward stated that she had been a tenant in the Property for twenty years. She said that the Property was on the first floor of a flatted development and was no longer suitable for her given her physical health conditions. She stated that she had applied to Midlothian Council for a tenancy of a ground floor flat and had been told by her local authority that they will assist her after an eviction order is granted in respect of the Property. Ms Coward stated that a representative from her landlord had met with her last week and they had agreed that it would be appropriate for an eviction order to be granted with a deferred enforcement date. Ms Coward said that she considered a deferred enforcement date of 2nd June 2025 to be fair and reasonable.

Statement of Reasons

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 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
9. The Tribunal considered the Application papers, including the PRT, Notice to Leave and supporting papers. The Tribunal, in particular, considered the statements and submissions made by Mr Webber and Ms Coward at the CMD.

Having done so the Tribunal found in fact that the Applicant company seeks recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied. Given that the Applicant and Ms Coward each seek the grant of an eviction order, with a deferred enforcement date of 2nd June 2025, the Tribunal also found that it is reasonable to make such an order.

Decision

10. 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

G McWilliams

Tribunal Legal Member

4th March 2025

Date