



**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**

Reference number: FTS/HPC/EV/24/4684

Order granted on 30 April 2025

Property: Flat 13, 1 East Pilton Farm Crescent, Edinburgh, EH5 2GF

Parties:

Mr Sunhil Drown, residing at 17 Sloane Court, 28 The Grove, Isleworth, Middlesex, TW7 4JU ("the Applicant")

Ms Yunteng Xia, residing at Flat 13, 1 East Pilton Farm Crescent, Edinburgh, EH5 2GF ("the Respondent")

**Tribunal Members:**

**Paul Doyle (Legal Member)**  
**Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 1 of part 3 of schedule 3 to the 2016 Act.**

**Background**

The Applicants seek recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicants have lodged Form E with the Tribunal. The documents produced include a Tenancy Agreement, a Notice to leave, served on 31 May 2024, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy title sheet was lodged with the Tribunal which showed that the applicant is heritable proprietor of the Property.

### **Case Management Discussion**

A case management discussion took place by telephone conference at 10.00am on 30 April 2025. The Applicants were represented by Mr R Mellis of Thorntons, solicitors. The Respondent was neither present nor represented. The Respondent has had timeous notice of the hearing. She lodged written representations on 15 March 2025. We are satisfied that this case can be justly determined in the respondent's absence.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicants and the Respondent entered into a private residential tenancy Agreement for the Property dated 1 October 2020.
2. On 31 May 2024 the Applicant served a notice to leave on the respondent. in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016.
3. After the notice to leave was served, the respondent remained in the property but stopped paying rental. On 9 April 2025 the respondent messaged the applicant to say she had vacated the property and left the key in the letter box.
4. The applicant wants to sell the property.
5. On 5 September 2024, the Applicant submitted an application to the tribunal.
6. The Applicant seeks recovery of possession of the Property in terms Ground 1 of schedule 3 to the 2016 Act. The Applicant is entitled to sell the property. The Applicant intends to sell the property for market value and will advertise the property for sale on the open market within three months.
7. The Respondent does not resist the application for repossession. It is reasonable to grant an order for repossession of the property.

### **Reasons for the Decision**

8. The Applicant seeks recovery of possession of the Property in terms of Ground 1 of schedule 3 to the 2016 Act. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.
9. The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in terms of Ground 1 of schedule 3 to the 2016 Act is established.

10. The Respondent offers no resistance to the application. In all the circumstances, it is reasonable to grant an order for possession.

11. For these reasons, the Tribunal determined to grant an Order for possession.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 1 of part 3 of schedule 3 to the 2016 Act.

### **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

**P.Doyle**

**30 April 2025**

**Legal Member**