



**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/24/4742

Re: Property at 5/1 Calder Grove, Edinburgh, EH11 4NB (“the Property”)

Parties:

**Mrs Caroline Blair, Mr Stuart Blair, 47 Gladstone's Gait, Bonnyrigg, Midlothian,
EH19 3GA (“the Applicants”)**

**Ms Morag Hamilton, Mr James Taylor, 5/1 Calder Grove, Edinburgh, EH11 4NB
 (“the Respondents”)**

Tribunal Members:

Jim Bauld (Legal Member) and Mary Lyden (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application for the order for possession should
be granted**

Background

1. By application dated 10 October 2024, the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 9 December 2024 the application was accepted by the tribunal and referred for determination by the tribunal.
3. A Case Management Discussion (CMD) was set to take place on 21 May 2024 and appropriate intimation of that hearing was given to both the landlord and the tenant.

The Case Management Discussion

4. The Case management discussion took place on 21 May 2025. The applicants were in attendance and represented by their letting agent, David Sinclair Aiton of Sinclair Services. The respondents were not present but were represented by their representative, Ms. Sophie Bennett, Housing & Money Adviser CHAI (Community Help and Advice Initiative) 28 Westfield Avenue, Edinburgh EH11 2QH
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters
6. The tribunal asked various questions of the parties with regard to the application
7. The applicant's representative confirmed that he wished the order sought to be granted and the respondent's representative confirmed that she was not opposed to the order being granted.

Findings in fact

8. The applicant and respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 30 September 2019
9. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016. ("the Act")
10. The agreed rental was £650 per month.
11. On 15 July 2024 the applicant served upon the tenant a Notice to Leave as required by the Act. The Notice was served personally upon the respondents and became effective on 7 October 2024.
12. The notice informed the respondents that the landlord wished to seek recovery of possession using the provisions of the Act.
13. The notice was correctly drafted and gave appropriate periods of notice as required by law.
14. The notice set out a ground contained within schedule 3 of the Act, namely ground 1 that the landlord intended to sell the let property

Reasons for the decision

15. The order for possession was sought by the landlord on a ground specified in the act and properly narrated in the notice served upon the tenant.

16. The tribunal was satisfied that the notice had been served in accordance with the terms of the act and that the landlord was entitled to seek recovery of possession based upon that ground.
17. The tribunal accepted the unchallenged evidence of the landlords that they intend to sell the property. The tribunal accepted the evidence that the tenants do not oppose the granting of the order.
18. The ground for eviction was accordingly established.
19. The ground for eviction under which this application was made is the ground contained in paragraph 1 of schedule 3 of the 2016 Act. The ground is that the landlord intends to sell the let property. When the 2016 Act was originally passed, that ground of eviction was mandatory. The tribunal was required by law to grant the eviction order if satisfied that the ground was established.
20. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact
21. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties
22. The tribunal finds that it is reasonable to grant the order.
23. The tribunal accepts that the landlords are entitled to sell the property and wishes to do so. The tribunal accepts that the tenants are not opposed to the sale of the property. The council's homelessness prevention team have effectively advised the tenants that they will not obtain that assistance unless an eviction order is granted thus triggering specific statutory duties under the Housing (Scotland) Act 1987. The granting of the order will therefore ultimately (and almost counter intuitively) benefit the tenants in their attempts to obtain more suitable accommodation.
24. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that the final order should be made at the CMD

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.

Jim Bauld
Legal Member/Chair

Date: 21 May 2025