



**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 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/24/5804**

**Re: Property at 4 Hoban Square, Broxburn, West Lothian, EH52 5SD (“the Property”)**

**Parties:**

**Mr George Robertson, 18 Stewartfield Crescent, Broxburn, West Lothian, EH52 5ET (“the Applicant”)**

**Mr Jawad Zafar, Mrs Neelam Parveen, 4 Hoban Square, Broxburn, West Lothian, EH52 5SD (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

## **Background**

[2] The Applicant seeks an Eviction Order under Ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 11 August 2025. The Applicant was personally present. The Respondents were both personally present. Neither party had any preliminary matters to raise. The Respondents were content for the Tribunal to grant the Application. They understood the purpose of the Application and had taken advice from their local authority. They live in the Property with their two children but are now keen to move out as soon as possible. They have already packed their bags. The Respondents find themselves in the position that they will not be offered an appropriate level of assistance by the local authority until such time as an Eviction Order is granted. The Applicant wishes to retire from being a landlord.

[4] Having heard from parties, the Tribunal made the following findings in fact.

## Findings in Fact

- 1) *The Applicant let the Property to the Respondents by virtue of a Private Residential Tenancy Agreement.*
- 2) *The Applicant now wishes to sell the Property and retire. He no longer wishes to be a landlord.*
- 3) *The Applicant has competently served a notice to leave under Ground 1 on the Respondents.*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- 5) *The Respondents are content to leave the Property and have taken advice regarding alternative accommodation.*

## Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that Ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the 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.

Andrew McLaughlin

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Legal Member/Chair

11 August 2025

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Date