

**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 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("The Act")**

**Chamber Ref: FTS/HPC/EV/24/5762**

**Re: Property at Flat 2, 43 Shrubhill Walk, Edinburgh, EH7 4FN ("the Property")**

**Parties:**

**WSD Aberdeen Ltd., Duncan House, Wester Inshes Place, Inverness, IV2 5HZ ("the Applicant")**

**Ms Anna Mikaelyan, Flat 2, 43 Shrubhill Walk, Edinburgh, EH7 4FN ("the Respondent")**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order subject to the provision that it may not be enforced before 16 October 2025.**

**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 Applicant has also provided detailed statements setting out their reasons for wishing to sell the Property. They have also provided rent statements which demonstrate that the Respondent is in arrears of rent.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 28 August 2025. The Applicant was represented by Ms Ward of Kee Solicitors. The Respondent was not personally present. The Respondent had competently received service of the Application. The Respondent emailed the Tribunal on the day of the Hearing indicating that she was experiencing acute health issues and could not participate. Naturally the Tribunal would have been sympathetic to this and considered adjourning but the remainder of the Respondent's email was such that the Tribunal did not consider that appropriate. The Respondent stated explicitly that she did not want to continue living in the Property. She also said that she intended to relocate down south with her partner "*no later than October 16*". The Tribunal also noted that nothing was said that disputed the up-to-date rent arrears figure of £11,540.00 and that no rent was being paid.

[4] Having considered the Application, the Tribunal made the following findings in fact.

### **Findings in Fact**

- 1) *The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement.*
- 2) *The Applicant now wishes to sell the Property. They no longer wish to be landlords of residential property.*
- 3) *The Applicant has competently served a notice to leave under Ground 1 on the Respondent.*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- 5) *The Respondent is content to leave the Property and has made plans to vacate the Property no later than by 16 October 2025.*

### **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 but did so on the basis that the order may not be enforced before 16 October 2025. The Applicant expressly agreed to this provision and in fact suggested it to the Tribunal as a gesture of goodwill to the Respondent.

## 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

28 August 2025

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Legal Member/Chair

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Date