

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

Chamber Ref: FTS/HPC/EV/25/0361

Re: Property at 40/1 Lochend Avenue, Edinburgh, EH7 6DX ("the Property")

Parties:

Helen Vara, 34 Dakota Road, Newton, Nottingham, NG13 8ZY ("the Applicant")

Dennise Belalcazar, 40/1 Lochend Avenue, Edinburgh, EH7 6DX ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (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 5 September 2025. The Applicant was represented by their representative, Mr Smart of Gilson Gray LLP. The Respondent was represented by Ms Morgan of Community Help and Advice Initiative. Neither party had any preliminary matters to

raise. The Respondent was content for the Tribunal to grant the Application. She understood the purpose of the Application and had taken advice from Ms Morgan.

[4] Having heard from parties, 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.*
- 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 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

Legal Member/Chair

5 September 2025
Date