

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 (Act)

Chamber Ref: FTS/HPC/EV/24/3618

Re: Property at Flat 4, 114 Rose Street South Lane, Edinburgh, EH2 3JG (“the Property”)

Parties:

ZEDWELL EDINBURGH LTD, 16 Babmaes Street, LONDON, SW1Y 6HD (“the Applicant”)

Ms Kerri Hutchison, Flat 4, 114 Rose Street South Lane, Edinburgh, EH2 3JG (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted.

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicants’ intention to sell the Property and for eviction and recovery of possession on Ground 1 of Schedule 3 to the Act.

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 7 August 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 April 2021;
3. Notice to Leave dated 16 April 2024 and served by Royal mail Track and Trace on 18 April 2024;
4. Section 11 Notice;
5. Sheriff Officer Certificate of Service of CMD Notification on the Respondent dated 22 August 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 7 October 2025. The Applicant did not participate but was represented by Ms Hanif, legal secretary. The Respondent did not participate and was unrepresented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but she did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Applicant's position

The Applicant's position was that the original landlord had served the Notice with a view to selling to the Applicant for redevelopment as a hotel.

The Applicant had now acquired the Property and the landlord's interests.

The Applicant still wished to develop the Property as a hotel.

The Applicant had no knowledge of the Respondent's personal circumstances.

Decision and Reasons

The Tribunal considered the documentary evidence and information provided.

The Tribunal had regard to the terms of Ground 1:

Landlord intends to sell

1(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—

(a) is entitled to sell the let property,

(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b)a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

In so far as material the Tribunal made the following findings in fact:

1. The parties let the Property under a Private Residential Tenancy Agreement (**PRTA**) commencing 1 April 2021;
2. Notice to Leave was dated 16 April 2024 and served by Royal mail Track and Trace on 18 April 2024;
3. Section 11 Notice was served on the local authority;
4. The Applicant is the owner of the Property in succession to the original landlord.

The Tribunal were satisfied that Ground 1 had been established.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances. The Tribunal noted, in particular, that the Respondent had not sought to enter appearance and oppose 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.

A Strain

7 October 2025

Legal Member/Chair

Date