



**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**

**Chamber Ref: FTS/HPC/EV/19/3895**

**Re: Property at Flat 2, 244 Queensferry Road, Edinburgh, EH4 2BP (“the  
Property”)**

**Parties:**

**Mr Jose Antonio Hernandez, 2 March Grove, Edinburgh, EH4 3TE (“the  
Applicant”)**

**Ms Alexis Morrison, Flat 2, 244 Queensferry Road, Edinburgh, EH4 2BP (“the  
Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for eviction to be granted.**

1. The applicant applied to the First-tier Tribunal under Rule 109 for an eviction order. Accompanying the application was a copy of the Private Residential Tenancy Agreement dated 13 and 14 May 2019, copy Notice to Leave together with covering letter, Section 11 Notice together with email sent to City of Edinburgh Council on 4 December 2019, copy signed Notice from the applicant giving authorisation to raise the proceedings and estate agency quote for the sale of the property.
2. The application was accepted by the Tribunal on 11 December 2019 and thereafter served by sheriff officers on 30 December 2019.
3. No representations have been received.

Mark Thorley

## Case Management Discussion

1. At the case management discussion Mr Jose Antonia Hernandez the Applicant attended along with his solicitor Constan Detora of Gibson Associates Ltd.
2. There was no appearance by or for the respondent.

## Findings in Fact

1. That the parties entered into a Private Residential Tenancy Agreement dated 13 and 14 May 2019 in respect of the property at 244/2 Queensferry Road, Edinburgh EH4 2BP.
2. The respondent lived in the property since 15 May 2019.
3. The applicant has sought to recover the property based on a requirement to sell the property.
4. The appropriate notices have been served upon the respondent.
5. The applicant is entitled to recover the property on the basis that he seeks to sell the property.

## Reasons for decision

1. The applicant set out in his application that he required to sell the property. Accompanying the application was correspondence involving the surveyors who were attempting to prepare a home information report. The applicant had signed an affidavit dated 3 December 2019 confirming that it was his intention to sell the property.
2. The applicant and his solicitor spoke to the productions.
3. The respondent did not attend and had made no written representation.
4. The Tribunal accepted the documentation and the submissions made and granted the order.

## Decision

To grant an order of eviction.

## 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**

Mark Thorley

**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.**

Mark Thorley

\_\_\_\_\_  
**Legal Member/Chair**

27<sup>th</sup> Jan 2020  
\_\_\_\_\_  
**Date**