



**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/19/3898

Re: Property at 21 Polton Vale, Edinburgh, EH20 9DF (“the Property”)

Parties:

**Mr Muhammad Naeem Khan, c/o Easylet (Scotland) LTD, 44 Clerk Street,
Edinburgh, EH8 9HX (“the Applicant”)**

**Mr Colin Pollock, Mrs Wendy Pollock, 21 Polton Vale, Edinburgh, EH20 9DF;
21 Polton Vale, Edinburgh, EH20 9DF (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision

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

Background

This is an application for eviction and recovery of possession under Ground 1 of
Schedule 3 to the Act and Rule 109 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application received 9 December 2019;
2. Private Residential Tenancy Agreement (PRTA) dated 14 May 2018;
3. Notice to Leave dated 24 May 2019;
4. Royal Mail Track and Trace;
5. Section 11 Notification and proof of service;
6. Letters from Applicants’ agents and Estate Agents confirming appointment
and intention to sell dated 9 and 15 January 2020.

Case Management Discussion (CMD)

The case called for a CMD on 13 March 2020. The Applicants were not present but were represented by their solicitor. The Respondents appeared and represented themselves.

The Tribunal ascertained that the Respondents did not dispute the Applicants intention to sell the Property and had applied to the Local Authority for housing.

The Tribunal then proceeded to make the following findings in fact:

1. The Parties entered in to the PRTA dated 14 May 2018;
2. Notice to Leave was served on 25 May 2019;
3. The Applicants intend to sell the Property and have appointed Estate Agents to act on their behalf as evidenced by letters of 9 and 15 January 2020;
4. Section 11 notification was made to the Local Authority on 3 December 2019.

The Tribunal considered the terms of Ground 1 of Schedule 3 to the Act and was satisfied that the Applicants had established their intention to sell the Property and appropriately notified the Respondents by serving the Notice to Leave on the Respondents and issuing the section 11 notice to the local authority. Ground 1 was established. This was a mandatory ground and the Tribunal had no discretion other than to grant the order.

The Tribunal accordingly granted the order for eviction and recovery of possession as sought.

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.

Mr Alan Strain

13 March 2020

Legal Member/Chair

Date