



**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/22/2505**

**Re: Property at 26 Flat 5 St Katherines Crescent, Edinburgh, EH16 6PU (“the Property”)**

**Parties:**

**Mr Simon Piper, 41 Weavers Knowe Crescent, Currie, EH14 5PP (“the Applicant”)**

**Mr Amzad Mozumder, Talima Akter Mozumder, 26 Flat 5 St Katherines Crescent, Edinburgh, EH16 6PU (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.**

**Background**

The Applicant seeks an Eviction Order in terms of Ground 1 of Schedule 3 of the Act in that it is stated that the Applicant wishes to sell the let Property. The Applicant is accompanied by a copy of the tenancy between the parties and the relevant notice to leave together with the notice issued to the relevant local authority under s11 of the Homelessness (Etc) (Scotland) Act 2003.

**The Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 14 December 2022. The Applicant was personally present and the Respondents were represented by Mr Wilson of Edinburgh Housing Advice Partnership.

Mr Wilson explained that the Respondents were not opposed to the order sought being granted and had begun making arrangements to obtain alternative accommodation. The Respondents would however like some extra time to leave the Property over and above that provided in any order typically made by the Tribunal.

Having considered the Application and having heard from the Applicant and on behalf of the Respondents, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The Applicant let the Property to the Respondents on a Private Residential Tenancy that, as per the terms of that tenancy, commenced on 18 October 2021;*
- II. *The Applicant now requires to sell the Property as his financial situation has materially changed and he no longer wishes to carry on business as a professional landlord;*
- III. *The Applicant hand delivered a notice to leave in terms of Ground 1 of Schedule 3 of the Act to the Respondents on 18 January 2022;*
- IV. *This notice to leave provided the Respondents with the correct statutory notice period to vacate the Property;*
- V. *The Respondents accept the Applicant's motivations for bringing this Application as being genuine;*
- VI. *The Respondents are prepared to find alternate accommodation and have taken advice regarding this Tribunal process;*
- VII. *The Applicant has complied with s 11 of the Homelessness (Etc) (Scotland) Act 2003;*
- VIII. *It is reasonable that the Eviction Order sought is granted but that the Respondents should be given an additional period of one month to vacate the Property.*

### **Reasons for Decision**

Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order subject to ordering that in terms of Rule 16A (d) of the Tribunal's rules of procedure, the Tribunal will order a delay in any execution of this order by an additional period of one month.

### **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**

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Legal Member/Chair

**14 December 2022**

Date