



**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/23/0617**

**Re: Property at Flat 9, 1 East Pilton Farm Crescent, Edinburgh, EH5 2GF (“the Property”)**

**Parties:**

**Pepper UK Limited, Pepper Money, Harman House, 1 George Street, Uxbridge, UB8 1QQ (“the Applicant”)**

**Mr Arthur Piddington, Flat 9, 1 East Pilton Farm Crescent, Edinburgh, EH5 2GF (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

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

**Background**

[1] The Applicant seeks an Eviction Order under ground 2 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on with proof of service, evidence of the Applicant’s Decree entitling them to sell the Property and evidence of compliance with s 11 of the Homelessness (etc) (Scotland) Act 2003.

**The Case Management Discussion**

[2] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 24 August 2023. The Applicant was represented by Mr Kenneth Young, Advocate. The Respondent was represented by Ms McGourt of Granton Information Centre. Neither party had any preliminary matter to raise and both confirmed that they were content that the Tribunal proceed with the CMD. Ms McGourt had submitted written representations in advance of the CMD which had been received by the Tribunal and considered by Mr Young.

[3] Having heard from parties and having considered the documentation, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The Respondent was party to a tenancy agreement with a Mr Roy Fever in which he was let the Property by virtue of a Private Residential Tenancy;*
- II. *The landlord, Mr Roy Fever fell into difficulties with the Applicant, who were his heritable creditor. Ultimately the Applicant obtained Decree to sell the Property;*
- III. *The Applicant competently served a relevant Notice to Leave on the Respondent together with all other relevant notices in respect of ground 2 under Schedule 3 of the Act;*
- IV. *The Respondent lives at the Property with his partner, Ewilina;*
- V. *The Respondent's personal circumstances are known to the Tribunal in that his situation and that of his partner have been set out in representations submitted by Ms McGourt;*
- VI. *Ms McGourt confirmed that there would realistically be no further information submitted were the Application to be continued to a Hearing;*
- VII. *The eviction ground set out in the Application is established;*
- VIII. *It is reasonable that an Eviction Order is granted;*

### **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

## 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.

Legal Member/Chair

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24 August 2023

Date