



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/23/1640

Re: Property at 49 EASTER DRYLAW PLACE, EDINBURGH, EH4 2QJ (“the Property”)

Parties:

MS LESLEY SORRIDIMI, 23 PITT STREET, EDINBURGH, EH6 4BY (“the Applicant”)

MISS ZOE LEASK, 49 EASTER DRYLAW PLACE, EDINBURGH, EH4 2QJ (“the Respondent”)

Tribunal Members:

**Maurice O'Carroll (Legal Member)
Melanie Booth (Ordinary Member)**

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order for Eviction should be granted

Background

1. A Case Management Discussion (CMD) was held by telephone on 4 August 2023 at 2pm. Present on the call were Lucy Cant and Ann Seller of Swift Letting, the letting agents acting on behalf of the Applicant. There was no appearance by the Respondent or anyone on her behalf.
2. The Respondent was personally served with case papers by Sheriff Officers on 23 June 2023. Accordingly, the Tribunal was satisfied that the Respondent had been provided with due notice of the CMD and that it could proceed in her absence in terms of rule 29 of the 2017 Rules as amended.

Findings in fact

3. The parties entered into a rental agreement by means of a Private Residential Tenancy signed on 11 November 2021. The start of the tenancy was 1 November 2021.
4. The Applicant now wishes to sell the Property and seeks eviction in terms of ground 1 of the Schedule to the 2016 Act: Landlord wishes to sell let property. A valuation report for that purpose was obtained by the Applicant on 17 May 2023.
5. The Respondent was validly served with a Notice to Leave on 20 January 2023. In terms of the Notice to Leave the tenancy ended on 17 April 2023.
6. A copy of the Notice to Leave was duly served on the local authority in accordance with the terms of section 11 of the Homelessness Etc. (Scotland) Act 2003 on 20 January 2023.

Decision

7. In light of the above facts, the Tribunal finds that the necessary ground for recovery in terms of Schedule 3 to the 2016 Act has been established.
8. It therefore grants the Order for eviction sought which may not be executed any earlier than 6 months from the date of granting thereof.

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.

Maurice O'Carroll

Legal Member/Chair

7 August 2023
Date