



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/24/3361

Re: Property at 205/6 Duddingston Park South, Edinburgh, EH15 3EJ (“the Property”)

Parties:

Mr Ryan Vohra, 30 Silverknowes View, Edinburgh, EH4 5PT (“the Applicant”)

Mrs Lauren Kerr, 205/6 Duddingston Park South, Edinburgh, EH15 3EJ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 27 November 2024. The Applicant was represented by Mr Webber of Ennova Law. There was no appearance by or on behalf of the Respondent. On the basis that the

Respondent had received notice of the CMD and information about how to join the call by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent. The Applicant had no preliminary matters to raise. The Tribunal discussed the whole circumstances of the Application with Mr Webber. The Tribunal noted that Mr Webber had not been supplied with much information about the Respondent's circumstances. The Tribunal adjourned and allowed Mr Webber an opportunity to take further instructions. Having subsequently then heard further from Mr Webber, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act.*
- II. *The Applicant now wishes to sell the Property and to release capital to fund the purchase of a family home for him and his new wife.*
- III. *The Applicant has competently served a notice to leave under ground 1 of Schedule 3 of the Act on the Respondent.*
- IV. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent has not engaged with the Tribunal process. The Respondent is thought to live alone in the Property and have no special health needs.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application.

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

Legal Member/Chair

27 November 2024

Date