

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/2538**

**Re: Property at 3 1F2 Appin Terrace, Edinburgh, EH14 1NN (“the Property”)**

**Parties:**

**Mr Luis Martin Hernandez, c/o Arden Property Management LLP, 43 Morningside Road, Edinburgh, EH10 4DR (“the Applicant”) and**

**Campbell Smith LLP, 21 York Place, Edinburgh, EH1 3EN (“the Applicant’s Representative”) and**

**Mr Miguel Anderson Neto, 3 1F2 Appin Terrace, Edinburgh, EH14 1NN (“the Respondent”) and**

**CHAI (Community Help and Advice Initiative) 28 Westfield Avenue, Edinburgh EH11 2QH (“the Respondent’s Representative”)**

**Tribunal Members:**

**G McWilliams (Legal Member)**

**T Cain (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined as follows:**

**Background**

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

2. The Applicant, Mr Hernandez, through his Representative, had provided the Tribunal, in the Application, with copies of the parties' Tenancy Agreement ("the PRT"), the Notice to Leave ("NTL") served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Edinburgh City Council.
3. The Respondent, Mr Neto, was served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 10<sup>th</sup> February 2026, and the Sheriff Officers' Certificate of Intimation was produced.

### **Case Management Discussion on 24<sup>th</sup> March 2026**

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2.00pm on 24<sup>th</sup> March 2026. The Applicant's Representative's Mr P Symon attended as did the Respondent, Mr Neto, and his Representative's Ms S Bennett.
5. Mr Symon referred to the Application papers and stated that Mr Hernandez resides abroad and wishes to sell the Property, which is his only let property in Scotland. He said that Mr Hernandez would consider it reasonable for there to be a short period of deferral of enforcement of an eviction order granted. Mr Symon stated that he will obtain instructions from Mr Hernandez regarding any separate Application to be submitted to the Tribunal in respect of any outstanding rent due by Mr Neto.
6. Ms Bennett referred to her written submissions previously lodged with the Tribunal's office. She stated that Mr Neto is agreeable to the grant of an eviction order with a period of deferral of enforcement to allow him time to have his application for a new social housing tenancy processed.
7. After discussion with the Tribunal, both Mr Symon and Ms Bennett agreed that it would be reasonable for the Tribunal to grant an eviction order with a deferred enforcement date of 26<sup>th</sup> May 2026.

### **Statement of Reasons**

8. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
9. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
10. The Tribunal considered the Application papers and the written and oral submissions of Mr Symon and Ms Bennett. Having done so, the Tribunal found in fact that Mr Hernandez seeks recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied. Given that

Mr Hernandez and Mr Neto both seek the grant of an eviction order with a deferred enforcement date the Tribunal found that it is reasonable to grant an eviction order with a deferred enforcement date of 26<sup>th</sup> May 2026.

### **Decision**

11. The Tribunal therefore makes an eviction order as sought in this Application, with a deferred enforcement date of 26<sup>th</sup> May 2026.

### **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.**

**G McWilliams**

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**Tribunal Legal Member**

**24<sup>th</sup> March 2026**

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**Date**