



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/25/5223

Re: Property at Howburn Schoolhill Road, Portlethen, Aberdeen, AB12 4RE (“the Property”)

Parties:

Bank of Scotland PLC, The Mound, Edinburgh, EH1 1YZ (“the Applicant”)

Mrs Santosh Wanchoo, unknown, unknown (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.

Background

1. By application dated 3 December 2026 the applicant seeks an order for eviction relying on ground 2 – lender intends to sell the property, in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
 - Notice to leave with proof of service
 - Form BB
 - Extract Decree of repossession in favour of the applicant dated 13 June 2026
 - Section 11 notice

Case management discussion (“cmd”) – 30 September 2026 – teleconference

3. The applicant was represented by Ms Masters Good, solicitor, Aberdeen Considine. The respondent was not present or represented. The Tribunal noted that Sheriff Officers had attempted to serve papers on the respondent at the property on 26 March 2026, without success. Ms Masters Good stated that the applicant had instructed Sheriff Officers to provide a track and trace report. The report dated 20 May 2026 stated that Sheriff Officers could not confirm that whether the respondent was residing in the property and that no alternative address was available. Service by way of advertisement in terms of rule 6A was carried out on the Tribunal website in advance of the cmd. As the respondent’s address was unknown the Tribunal was satisfied that service by advertisement was appropriate and was satisfied that the respondent had been properly notified of the cmd and proceeded in their absence.
4. Ms Masters Good sought an order for eviction. She referred to the papers that had been submitted. She stated that an order for repossession had been obtained against the owner of the property, Seema Arora on 13 June 2024. Since that date no rent had been paid by the respondent. Ms Masters Good stated that 4 separate Sheriff Officers occupancy checks had been carried out however, whilst the property appeared to be occupied the door was not answered and no response was received from the occupier. Ms Masters Good advised that while it was not clear whether the respondent was residing in the property the applicant sought an order in order to protect their position. The applicant intended to sell the property once vacant possession was obtained. Ms Masters Good stated that it was believed that the former owner’s ex-partner may reside in the property with his children. He was the son of the respondent.

Findings in fact

5. The respondent and Seema Arora entered into a private residential tenancy agreement with a commencement date of 1 December 2019.
6. The applicant is a heritable creditor in terms of a standard security over the property.

7. On 15 January 2025 the respondent was notified that a notice of calling up the standard security had been served on Seema Arora.
8. Decree for recovery of possession of the property was granted in favour of the applicant on 13 June 2024.
9. The applicant requires vacant possession in order to enforce the decree granted in their favour.
10. A valid notice to leave was served on the respondent on 3 April 2025 specifying that proceedings would not be raised before 8 July 2025.
11. The respondent has not made any payment of rent in respect of the property since 13 June 2024.
12. The respondent has failed to respond to attempts to contact them made by the applicant.
13. The respondent failed to attend the cmd to oppose the application and lodged no written defence to the application.

Reasons for the decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

16. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

17. Ground 2 states:

(1) It is an eviction ground that a lender intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the let property is subject to a heritable security,

(b) the creditor under that security is entitled to sell the property,

(c) the creditor requires the tenant to leave the property for the purpose of disposing of it with vacant possession, and

(d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

18. The Tribunal took into account the documents and written submissions that had been lodged and the oral submissions at the cmd.

19. The Tribunal was satisfied that a decree for repossession had been granted in the applicant's favour and they sought vacant possession in order to sell the property.

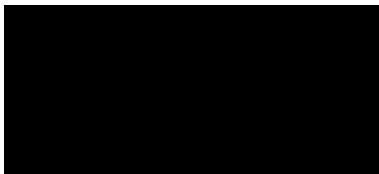
20. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against.

21. The Tribunal gave particular weight to the fact that the respondent had not lodged any opposition to the application and had failed attend the cmd. They had not paid any rent since June 2024. They had failed to engage with the applicant despite repeated attempts.

22. The Tribunal took into account that the applicant was seeking to enforce a decree for repossession granted in June 2024 and required vacant possession to sell the property. The respondent had an extended period of notice that the property would be sold.
23. In the foregoing circumstances the Tribunal determined that it was reasonable to grant an 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

Date: 30/09/2026