

Housing and Property Chamber
First-tier Tribunal for Scotland



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/23/3982

Re: Property at Flat 5/1 11 Castlebank Place, Glasgow, G11 6BJ ("the Property")

Parties:

Bank Of Scotland PLC (Birmingham Midshires), The Mound, Edinburgh, EH1 1YZ ("the Applicant")

Mr Daryl Lee, Flat 5/1 11 Castlebank Place, Glasgow, G11 6BJ ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Nick Allan (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 2 of Schedule 3 of the Act. The Application is accompanied by the notice to leave relied upon, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and the Extract Decree granting the Applicant the power to sell the Property as heritable creditor.

The Case Management Discussion

[3] The Application called as a Case Management Discussion (CMD) by conference call at 2pm on 27 February 2024. The Applicant was represented by Ms Masters, Solicitor.

There was no appearance by or on behalf of the Respondent. The Application and information about how to join the CMD had been competently served on the Respondent by Sheriff Officers. In light of this, the Tribunal proceeded in the absence of the Respondent. Having heard from Ms Masters and having considered the documentation before the Tribunal, the Tribunal made the following findings in fact;

Findings in Fact

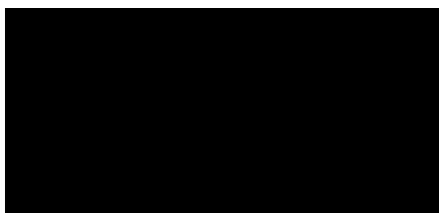
- I. *The Applicant obtained Extract Decree to sell the Property in their capacity as heritable creditor to the landlord in the tenancy agreement which let the Property to the Respondent;*
- II. *The Applicant competently served a notice under ground 2 of Schedule 3 of the Act on the Respondent;*
- III. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Respondent has failed to engage with the Applicant's efforts to communicate;*
- V. *The Respondent has not engaged with the Tribunal process;*

Decision

[4] Having made the above findings in fact, the Tribunal concluded that the ground relied on was established and that it was reasonable to make an Eviction Order. There was simply nothing before the Tribunal that might suggest otherwise.

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

27 February 2024

Date

