

**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)**

**Chamber Ref: FTS/HPC/EV/24/0059**

**Re: Property at 1 Quarryknowe Street, Clydebank, G81 5HF (“the Property”)**

**Parties:**

**Bank of Scotland Plc (Birmingham Midshi Res Division), The Mound, Edinburgh, EH1 1YZ (“the Applicant”)**

**Miss Kirsi Kamau, 1 Quarryknowe Street, Clydebank, G81 5HF (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and Eileen Shand (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

**BACKGROUND**

1. By lease dated 26 July 2019 the Respondent leased the Property from the then owner of the property.
2. The Property was subject to a standard security in favour of Bank of Scotland plc.
3. The owner of the Property defaulted in relation to the security resulting in the security being called up. The Sheriff at Dumbarton granted decree in favour of the Applicants authorising the Applicants to enter into possession of the Property and thereafter dispose of it in accordance with their obligations under the Conveyancing and Feudal Reform (Scotland) Act 1970 (“the 1970 Act”). Decree was granted on 18 April 2023 and extracted on 4 May 2023.
4. The Applicants served a notice to leave on the Respondent.

5. The Applicants intimated a notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 to the local authority.
6. The Applicants thereafter raised proceedings for eviction of the Respondent to enable them to sell the Property in accordance with their obligations under the 1970 Act. The Applicant corresponded with the Tribunal

## **THE CASE MANAGEMENT DISCUSSION**

7. The Applicants were represented at the Case Management Discussion by Miss E Masters of Messrs Aberdeen Considine Solicitors. The Respondent had corresponded with the Tribunal advising that she was unable to attend but acknowledged that she had received service of the case papers and that she has been making efforts to secure alternative accommodation.
8. Miss Masters moved the Tribunal to grant an Order for Eviction. Having regard to the fact the Applicants are heritable creditors in possession and that, in accordance with the 1970 Act, they are obliged to dispose of the Property in accordance with the terms of said Act, and having regard to the fact the Respondent had corresponded with the Tribunal intimating the steps she has been taking to secure alternative accommodation and that no opposition was stated in relation to the application itself, the Tribunal, in the circumstances, determined that it was reasonable and appropriate that an order for eviction be granted.

## **DECISION**

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 2 of Schedule 3 of said Act.

Order not to be executed prior to 12 noon on 5 June 2024

## **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.**



**29 April 2024**

---

**Legal Member/Chair**

---

**Date**