



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/EV/24/0449**

**Re: Property at 13 Scott Place, Bellshill, ML4 1LL (“the Property”)**

**Parties:**

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

**Mrs Esther Mambo otherwise Esther Aoko Mambo, Mr Bryan Otieno Bege, 13  
Scott Place, Bellshill, ML4 1LL (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and Gerard Darroch (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 8<sup>th</sup> July 2028, the heritable proprietor of the Property let the Property to the Respondent..
2. The Property was subjected to a standard security in favour of Bank of Scotland PLC.
3. The Bank of Scotland ultimately recovered possession of the Property. On 24<sup>th</sup> May 2023, the sheriff at Hamilton granted decree in terms of the Conveyancing Feudal Reform (Scotland) Act 1970 (“the 1970 Act”) for recovery of possession and sale of the subjects in accordance of the terms of the 1970 Act.
4. The Applicants served a Notice to Leave on the Respondents. They intimated a notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 to the local authority.

5. The Applicants thereafter presented an application to the Tribunal seeking an order for eviction to enable them to comply with their statutory obligations under the 1970 act.

## **THE CASE MANAGEMENT DISCUSSION**

6. A Case Management Discussion was assigned for 21<sup>st</sup> June 2024 at 10:00am to be held by teleconference. The Applicants were represented by Miss McDonald, solicitor, Aberdeen Considine Solicitors. Miss G Mullen, trainee solicitor attended as an observer. The Respondents did not participate. The tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondents. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the respondents had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondents in accordance with Rule 29 of the FTT regs;
7. Miss Mullen moved the tribunal to grant an order for eviction.
8. In the absence of any participation or opposition by the Respondents and having regard to order of the sheriff at Hamilton granting an order for recovery of possession in favour of the Applicants, and having regard to the statutory obligations on the Applicants in terms of the 1970 Act, the Tribunal granted an order for eviction.

## **FURTHER INFORMATION**

9. The Tribunal did, prior to granting said order, enquire in relation to the personal circumstances of the Respondents, in so far as those were within the knowledge of the Applicants. Miss McDonald advised that the last contact she had with the Respondents was in November 2023 at which time the first named Respondent advised that she had been in contact with the local authority with a view to securing alternative accommodation. Miss McDonald had emailed the Respondents again during December 2023 but had received no response thereafter. In so far as the Applicants are aware, the Respondents reside at the Property along with their daughter who was 5 years old in the course of 2023 and will, therefore be either 5 or 6 years old at present. There was no information to enable the Tribunal to conclude that it was not reasonable to grant an order for eviction.

## **DECISION**

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

Order not to be executed prior to 12 noon on 29 July 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.**

<sup>κ</sup> Virgil Crawford

**21 June 2024**

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**Legal Member/Chair**

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**Date**