



**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**

**Chamber Ref: FTS/HPC/EV/24/1764**

**Re: Property at 3/2 26 Gourock Street, Glasgow, G5 9RY (“the Property”)**

**Parties:**

**Bank Of Scotland (Halifax Division), The Mound, Edinburgh, EH1 1YZ (“the Applicant”)**

**Mr Sever Rostas, Mrs Crenguta Rostas, 3/2 26 Gourock Street, Glasgow, G5 9RY (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and Mary Lyden (Ordinary Member)**

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

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

- Background

The Applicant applied to the Tribunal by application dated 17 April 2024 seeking an order of eviction. Accompanying the application were the following documents:

- (a) Copy Tenancy Agreement
- (b) Copy decree dated 15<sup>th</sup> June 2023
- (c) Copy Notice to Leave and sheriff officer execution
- (d) Copy section 11 notice to local authority
- (e) Copy Form BB to occupier.

The application was accepted for determination on 10<sup>th</sup> May 2024. The application was served on the Respondent on 1<sup>st</sup> August 2024.

- The Case Management Discussion

At the case management hearing Ms Hamilton attended on behalf of the Applicant. There was no appearance by or on behalf of the Respondent. Ms Hamilton confirmed that there had been no payment to the mortgage since 3<sup>rd</sup> January 2020 and mortgage arrears were now £18500. The Respondent was attempting to obtain local authority housing. Little was know of the Respondent`s personal circumstances.

- Findings in Fact

1. The Applicant held a decree for recovery of possession of the property
2. The mortgage arrears on the property was £18500.
3. No payment had been made to the mortgage since 3<sup>rd</sup> January 2020
4. The Applicant wishes to sell the property

- Reasons for Decision

The Applicant was the mortgage lender on the property. They held a decree for repossession. Mortgage arrears were significant and nothing had been paid to the mortgage in more than 4 years. The Respondent was still in the property. No defence had been set out. The paperwork was in order.

- Decision

To grant an order of eviction.

## 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.**

Mark Thorley

05 September 2024

Legal Member/Chair

Date