



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/24/3002

Re: Property at Flat F, 23 Froghall Avenue, Aberdeen, AB24 3JX (“the Property”)

Parties:

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

Mr Konstantinos Zogopoulos, Flat F, 23 Froghall Avenue, Aberdeen, AB24 3JX (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 2pm on 29 November 2024, by teleconference. The Applicant was represented on the call by Ms MacDonald of Aberdeen Considine, solicitors. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case he was experiencing any technical difficulty; but there remained no contact from him.

The application and notice of the CMD were served on the Respondent by sheriff officers on 23 October 2024. The Tribunal was therefore satisfied that he was aware of the CMD and had chosen not to oppose the application.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Respondent lets the Property in terms of a private residential tenancy agreement with a start date of 5 February 2020.
2. The Property is subject to a heritable security under which the Applicant is the creditor.
3. Decree was granted on 21 November 2019 at Aberdeen Sheriff Court entitling the Applicant to sell the Property.
4. The Applicant requires the Respondent to leave the Property for the purpose of disposing of it with vacant possession.
5. On 11 March 2024, the Applicant delivered a notice to leave by sheriff officers to the Respondent, stating that it would rely on Ground 2 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
6. The Respondent occupies the Property on his own.

- Reasons for Decision

7. Ground 2 is established and, in particular, it is reasonable for the order to be granted. The sheriff court has granted decree entitling the Applicant to take possession of the Property and sell it. Against that, the Respondent has not presented any information that would suggest it is not reasonable to grant the order sought.

- Decision

Eviction order granted.

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.

Nairn Young

29th November 2024

Legal Member/Chair

Date