

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 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/5205

Re: Property at 34 Fintry Road, Dundee, Angus, DD4 9EJ (“the Property”)

Parties:

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

Aberdein Considine, Solicitors, 18 Waterloo Street, Glasgow, G2 6DB (“the Applicant’s Representative”) and

Ms Danielle Soutar, 34 Fintry Road, Dundee, Angus, DD4 9EJ (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

G Darroch - Ordinary Member

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.

Background

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. Bank of Scotland Plc’s Representative had provided the Tribunal, in the Application, with copies of the Decree, for possession and sale, granted in favour of the Applicant Bank of Scotland Plc at Dundee Sheriff Court on 21st March 2024, the Private Residential Tenancy Agreement (“the PRT”) in respect of the Property, the Notice to Leave served on the Respondent Ms D Soutar and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Dundee City Council. All of these documents and forms had been correctly and validly prepared, and

issued, in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Application papers and Guidance Notes had been served upon the Respondent by Sheriff Officers on 11th March 2025.
4. The Respondent Ms Soutar had not lodged any representations in respect of the Application.

Case Management Discussion

5. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 2pm on 2nd May 2025. The Applicant’s Representative’s Miss E Masters attended. The Respondent Ms Soutar did not attend and was not represented. There was no explanation for her absence.
6. Miss Masters referred to the Application and stated that the Applicant Bank of Scotland Plc sought to recover vacant possession of, and sell, the Property. She stated that Bank of Scotland Plc had not received any communications from the Ms Soutar. She said that Sheriff Officers had last attended at the Property on 19th April 2025 and met Ms Soutar at that time. The Officers reported that Ms Soutar said that she was going to contact Dundee City Council and seek a social housing tenancy. The Officers also reported that neighbours told them that Ms Soutar has been residing alone at the Property. Miss Masters submitted that the Applicant had no other information regarding Ms Soutar’s home and work circumstances.

Findings in Fact and Law and Reasons for Decision

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (2) (1) of the 2016 Act provides that it is an eviction ground that a lender intends to sell the let property.
9. The Tribunal considered all of the Application papers, as well as the submission of Miss Masters.
10. Ms Soutar had not lodged representations with the Tribunal regarding the reasonableness of the grant of an eviction order or attended the CMD to provide any evidence, and/or make any submission, to oppose, and contradict the basis for the order sought by Bank of Scotland Plc.
11. Having considered all of the evidence and Miss Masters’ submission, the Tribunal finds in fact that Bank of Scotland Plc intends to sell the property. The Tribunal finds in law that the ground in Schedule 3 (2) (1) of the 2016 Act is met and determines that it is reasonable that an eviction order be granted.

Decision

12. The Tribunal therefore makes an eviction order as sought in this Application.

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.

G McWilliams

2nd May 2025

Legal Member

Date