



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18(1) of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/1074

Re: Property at 9 Anderson Drive, Aberdeen, AB15 4ST (“the Property”)

Parties:

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

Mr Zafar Iqbal, 9 Anderson Drive, Aberdeen, AB15 4ST (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Robert Buchan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted but that it be delayed for a period of three months.

- **Background**

The applicant applied to the tribunal for an order of eviction following up on having obtained an order for repossession of the property. There was a somewhat convoluted history to the property in that the respondent had initially owned the property but then transferred it to a Mr Souza. There had then been an agreement between Mr Souza and the respondent as to who ownership of the property lay with. To add complication both Mr Souza and the respondent had at times been made bankrupt.

The respondent together with his family continued to reside within the property. Attempts were being made by the respondent and/ or his family to acquire title in the property and thereby to repay the outstanding borrowing.

There had been a series of case management discussions all of which were continued in order to allow for the transfer of title. By the time of the case management discussion on 27th June 2025 this had not taken place.

- The Case Management Discussion

At the case management discussion Ms Hamilton appeared for the applicant and Mr Taylor for the respondent. There was an agreed position between parties namely that an order for eviction should be granted but that it be delayed. The tribunal were content to agree this.

- Findings in Fact

1. That the applicant held security of the property and had obtained decree for repossession.
2. That the respondent together with his family continued to occupy the property

- Reasons for Decision

Parties were agreed on the way ahead. There was no basis for continuing the case any further. The applicant held a decree and had done so since 2022 for repossession of the property. Accordingly decree was entirely appropriate and a delay of three months would give the respondent a final opportunity to obtain transfer.

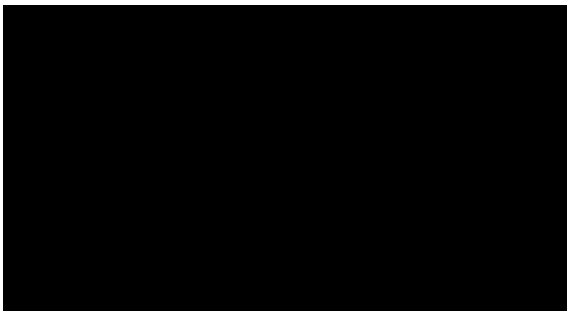
The Tribunal agreed unanimously that it was reasonable to grant eviction.

- Decision

To grant an order of eviction delayed for a period of three months

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.



27th June 2025

Date