

**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/24/2519**

**Re: Property at 40 Garthdee Farm Gardens, Aberdeen, AB10 7GF (“the  
Property”)**

**Parties:**

**Santander UK plc, 2 Triton Square, Regent’s Place, London, NW1 3AN (“the  
Applicant”)**

**Mr Ayodeji Ogunlode, Mrs Priscilla Ogunlode, UNKNOWN, UNKNOWN (“the  
Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Elizabeth Williams (Ordinary Member)**

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

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of ground 2 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) have been met in this case and it would be reasonable to make an eviction order.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

**Background**

- 1 This is an application for an eviction order under section 51 of the 2016 Act and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017. The Applicant relied upon ground 2 as the ground for possession, stating that the mortgage lender intended to sell the let property.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 30 July 2025. The Tribunal gave notice to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the

Respondents by advertisement on the Tribunal's website under rule 6A of the Rules, as their whereabouts were unknown.

- 3 Both parties were invited to make written representations to the Tribunal in advance of the CMD. No written representations were received.

### **The CMD**

- 4 The CMD took place by teleconference on 30 July 2025 at 10am. Mr Steven Docherty of Ascent Legal Scotland represented the Applicant. The Respondents did not join the call. The Tribunal noted they had received proper notice of the CMD under rules 6A and 17(2) of the Rules. The Tribunal therefore delayed the start of the CMD for a short period before determining to proceed in their absence.
- 5 The Tribunal had the following documents before it:-
  - (i) Form E application form;
  - (ii) Title sheet confirming Orlando Ramsingh as the owner of the property;
  - (iii) Private residential tenancy agreement between Orlando Ramsingh and the Respondents;
  - (iv) Notice to leave and proof of service by sheriff officers;
  - (v) Extract Decree from Aberdeen Sheriff Court dated 16 February 2023;
  - (vi) Sheriff officers report.
- 6 The Tribunal heard submissions from Mr Docherty on the application. The following is a summary of the key elements of the submissions and does not constitute a verbatim account.
- 7 Mr Docherty addressed the criteria for ground 2. He referred to the Extract Decree from Aberdeen Sheriff Court, which found and declared there was a standard security over the property, which the Applicant was entitled to enforce. The decree confirmed that the Applicant had the right to enter into possession and sell the property. The Applicant required vacant possession in order to do so. The mortgage had around £270,000 outstanding, with no payments in the last two and a half years. Significant arrears had accrued as a result. The Applicant required to reposess the property and sell it in order to reduce the debt owed. A sale with vacant possession would attract the maximum possible sale price. Selling with the Respondents in situ would damage the marketability of the property. In terms of reasonableness, Mr Docherty confirmed that the first Respondent had left the country. There had been no contact from the second Respondent since the notice to leave was issued in January 2024. The second Respondent had essentially been living rent free.
- 8 In response to questions from the Tribunal, Mr Docherty advised that the Applicant had limited information regarding the Respondent's circumstances, other than what had been stated in the sheriff officers report. Mr Docherty's firm had however been contacted by Shelter on behalf of the second Respondent on 19 April 2023. They had received no further correspondence from Shelter on the

second Respondent's behalf since that date. The Tribunal noted that a section 11 notice did not appear to be included with the application paperwork in respect of the Tribunal application. Mr Docherty emailed this over to the Tribunal following the CMD.

### **Findings in fact**

- 9 Orlando Ramsingh is the owner and landlord, and the Respondents are the tenants, of the property under a private residential tenancy agreement, which commenced on 25 March 2021.
- 10 The property is subject to a standard security granted by Orlando Ramsingh to the Applicant on or around 13 October 2015.
- 11 On 16 February 2023 the Applicant obtained a decree from Aberdeen Sheriff Court against Orlando Ramsingh. The decree entitles the Applicant to enter into possession and sell the property.
- 12 On 8 January 2024 the Applicant delivered a notice to leave under section 62 of the 2016 Act to the Respondents by sheriff officers.
- 13 The Applicant has given the local authority notice under section 11 of the Homelessness etc (Scotland) Act 2003.
- 14 The Applicant intends to sell the property. The Applicant requires to sell the property with vacant possession in order to obtain the maximum sale price to repay the outstanding mortgage. A sale with the Respondents in situ would damage the marketability of the property.
- 15 The Respondents have separated. The first Respondent has returned to live in Nigeria. The second Respondent has previously sought advice from Shelter regarding the tenancy.

### **Reasons for decision**

- 16 The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision at the CMD in the absence of a hearing under Rule 18 of the Rules based on the documentary evidence and the submissions from Mr Docherty at the CMD. The Respondents had not sought to challenge the information provided by the Applicant, which the Tribunal accepted as fact.
- 17 Section 52(2) of the 2016 Act states that "*an application for an eviction order must be accompanied by a copy of a notice to leave which has been given to the tenant*". The Tribunal was satisfied based on the application paperwork that the Applicant had given the Respondents a notice to leave that meets the criteria under section 62 of the 2016 Act.
- 18 Section 51 of the 2016 Act states "*the First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application*

*by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”*

- 19 The Applicant relied upon ground 2 of schedule 3 of the 2016 Act as the ground for possession in this case. The Tribunal therefore considered the wording of ground 2:-

*“(1)It is an eviction ground that a lender intends to sell the let property.  
(2)The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—  
(a)the let property is subject to a heritable security,  
(b)the creditor under that security is entitled to sell the property,...  
(c)the creditor requires the tenant to leave the property for the purpose of disposing of it with vacant possession, and  
(d)the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”*

- 20 Based on its findings in fact, the Tribunal was satisfied that paragraphs 2(a), (b), and (c) of ground 2 were met. The Tribunal therefore went on to consider whether it would be reasonable to issue an eviction order on account of those facts which required the Tribunal to identify the factors in this case relevant to an assessment of reasonableness.

- 21 The Tribunal had limited information regarding the Respondents’ circumstances as they had chosen not to participate in the proceedings. The Tribunal did however note that the first Respondent was no longer in the country, and the second Respondent had sought advice from Shelter regarding her situation. This assured the Tribunal that she had likely received appropriate guidance regarding her tenancy and options for rehousing. The Tribunal also took into account the Applicant’s reasons for seeking an eviction order. The Tribunal accepted that they had a duty to ensure the best possible sale price so that the mortgage debt could be repaid. This was a credible explanation for the action they had taken.

- 22 The Tribunal therefore concluded that it would be reasonable for an eviction order to be made on account of the facts of this case, and that ground 2 had been met.

- 23 The decision of the Tribunal was unanimous.

## **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.**

# Ruth O'Hare

Ruth O'Hare

30 July 2025

Legal Member/Chair

Date