



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/25/1471

Re: Property at 3/4 James Court, Lawnmarket, Edinburgh, EH1 2PB (“the Property”)

Parties:

Together Commercial Finance Limited, Lake View, Lakeside, Cheadle, SK8 3GW (“the Applicant”)

Mr Pawel Brabik also known as Drabik, 3/4 James Court, Lawnmarket, Edinburgh, EH1 2PB (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted and that, for the purposes of section 51(4) of the Private Housing (Tenancies) (Scotland) Act 2016, the Private Residential Tenancy between the parties would terminate on 27 October 2025.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference on 25 September 2025. The Applicant was represented by Mr Oswald, solicitor. The Respondent was not present or represented. Notice of the CMD was served on the Respondent by Sheriff Officer on 20 August 2025. The Tribunal was accordingly satisfied that the Respondent had received notice of the CMD.
2. In this Application the Applicant seeks an eviction order under ground 2 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016

Act”). It says that it is the secured lender of the Property, that it has completed calling up proceedings against the heritable proprietor, and that it requires vacant possession in order to sell the Property and realise its secured interest. It has served Notice to Leave on the Respondent that has expired. The Applicant has lodged copies of the Notice to Leave and decree granted by the court in the calling up proceedings in support of its claim.

3. In terms of Rule 17(4) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, when making a Decision, the Tribunal must have regard to the overriding objective to deal with proceedings justly, including the need to avoid unnecessary delay.
4. The Respondent has had the opportunity to lodge written representations or appear at the CMD to answer the Application, but has chosen not to. In the circumstances, the Tribunal is satisfied that the position adopted by the Applicant in the Application is not in dispute.
5. In terms of ground 2 of Schedule 3 to the 2016 Act:-

“(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.”
6. The Tribunal is satisfied that the Property is subject to a heritable security, and that the Applicant is entitled to sell the Property based on the decree granted by the Sheriff Court. The Tribunal is satisfied that the creditor requires the Respondent to leave the property in order to dispose of it with vacant possession. In all of the circumstances put to the Tribunal in the Application, which have not been disputed by the Respondent, the Tribunal is satisfied that it is reasonable to issue an eviction order. The Tribunal’s decision is unanimous.
7. For the purposes of section 51(4) of the 2016 Act, the Private Residential Tenancy between the Parties will terminate on 27 October 2025.

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.

Andrew Upton

Legal Member/Chair

Date: 25 September 2025