

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988.**

**Chamber Ref: FTS/HPC/EV/25/1548**

**Re: 43 Moredunvale Green, Edinburgh, EH17 7RD (“the Property”)**

**Parties:**

**Paratus AMC Limited, 5 Arlington Square, Downshire Way, Bracknell, RG12 1WA 8AE (“the Applicant”) and**

**TLT LLP, 41 West Campbell Street, Glasgow, G2 6SE (“the Applicant’s Representative”); and**

**Ms Karen Mearns, 43 Moredunvale Green, Edinburgh, EH17 7RD (“the Respondent”) and**

**Community Help and Advice Initiative (“CHAI”), 28 Westfield Avenue, Edinburgh, EH11 2QH, (“the Respondent’s Representative”)**

**Tribunal Members:**

**G McWilliams- Legal Member  
G Darroch - Ordinary Member**

**Decision:**

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

**Background and Case Management Discussion on 20<sup>th</sup> October 2025**

1. The Respondent Ms Mearns entered into a short-assured tenancy agreement with Mr Joseph D’Souli in 2005. Mr D’Souli subsequently defaulted in his mortgage payments to the Applicant who obtained a Decree to enter into possession of the Property, and sell it, at Edinburgh Sheriff Court on 23<sup>rd</sup> July

2024. The Applicant, through their Representative, served a Notice to Quit the Property as well as a Notice in respect of their intention to raise proceedings for possession of the Property, based on Mr D'Souli's mortgage default, on the Ms Mearns on 12<sup>th</sup> December 2024. Through their Representative the Applicant submitted this Application to the Tribunal in April 2025.

2. Ms Mearns' Representative's sent an e-mail to the Tribunal's office on 1<sup>st</sup> October 2025 in which they stated that Ms Mearns consents to the grant of an eviction order. A Case Management Discussion ("CMD") proceeded remotely by tele-conference call at 10.00am on 20<sup>th</sup> October 2025. The Applicant's Representative's Mr M Oswald attended. The Respondent's Representative's Mr S Donegan also attended. Mr Donegan re-iterated that Ms Mearns consents to the grant of the order sought in this Application. Mr Oswald stated that the Applicant seeks the grant of the order.
3. In the circumstances the Tribunal did not proceed to make any findings in fact or law and decided that it is reasonable that an order for possession is granted.

### **Decision**

4. The Tribunal grants the 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**

**20<sup>th</sup> October 2025**

**Legal Member**

**Date**