

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/25/3093

Re: Property at 9 Loccard Road, Stevenson, KA20 4AR (“the Property”)

Parties:

Bank of Scotland PLC, The Mound, Edinburgh, EH11 1YZ (“the Applicant”) and

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

Mr Philip Ashton, 9 Loccard Road, Stevenson, KA20 4AR (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

T Cain - 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 Kilmarnock Sheriff Court on 4th December 2024, the Notice to Leave “NTL”) served on the Respondent Mr Ashton and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to North Ayrshire 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, Guidance Notes, and details of today's Case Management Discussion ("CMD") had been served upon Mr Ashton by Sheriff Officers on 16th October 2025.
4. Mr Ashton had not lodged any representations in respect of the Application.

Case Management Discussion

5. A CMD proceeded by remote teleconference call at 2pm today, 20th November 2025. The Applicant's Representative's Ms C Imrie attended. Mr Ashton did not attend and was not represented. There was no explanation for his absence.
6. Ms Imrie 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 she was unaware of Mr Ashton's personal circumstances. Ms Imrie said that when Sheriff Officers had contact with Mr Ashton, on 9th July 2025, he said that he was waiting for North Ayrshire Council to offer him a tenancy. Ms Imrie stated that when Sheriff Officers attended at the Property, on 14th November 2025, they reported that they were not able to speak with Mr Ashton but they believe that he is still occupying the Property. Ms Imrie asked the Tribunal to grant an eviction order against the Respondent Mr Ashton.

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 Ms Imrie.
10. Mr Ashton 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 Ms Imrie's 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.



Legal Member

20th November 2025

Date