

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/25/2546

Re: Property at 67 Pratt Street, Kirkcaldy, Fife, KY1 1RZ (“the Property”)

Parties:

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

Ms Ana Darot and Iosif Colompar, 67 Pratt Street, Kirkcaldy, Fife, KY1 1RZ (“the Respondents”)

Tribunal Members:

John McHugh (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicant.

Background

The Respondents are the tenants in terms of a private residential tenancy agreement in respect of the Property dated 19 October 2020. The Property is subject to a standard security in favour of the Applicant. The Applicant intends to sell the Property and requires vacant possession for that purpose. It has brought the current Application to evict the Respondents.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place on 12 December 2025 by telephone conference. The Applicant was represented by its solicitor, Eleanor Hamilton. The Respondents were neither present nor represented.

The Tribunal has received no contact from the Respondents. She had been contacted recently by someone claiming to be the first Respondent’s son and she had recommended that the Respondents should attend the CMD. Sheriff Officers who had recently attended the Property on the instructions of the Applicant had found it to be occupied. The Applicant’s representative had advised the Respondents to consider taking advice from the CAB or from Shelter.

The Tribunal was satisfied that the Respondents had received notice of the CMD from the Tribunal and decided to proceed in their absence.

The Applicant’s representative confirmed that the Applicants wished to sell the Property and wished the Tribunal to make an Order for possession of the Property.

Findings in Fact

1. The Respondents are the tenants in terms of a private residential tenancy agreement in respect of the Property dated 19 October 2020.
2. The Property is subject to a standard security in favour of the Applicant.
3. The Applicant has called up the standard security over the Property.
4. Notice of the calling up proceedings were given to the Respondents on 20 May 2024.
5. On 12 November 2024, the Sheriff at Kirkcaldy granted warrant for the Applicant to take possession of the Property.
6. The Applicant is entitled to sell the Property.
7. Notice to Leave dated 4 March 2025 was served on the Respondents on 7 March 2025.
8. The Applicant intends to sell the Property and requires vacant possession.

Reasons for Decision

The Respondents are the tenants in terms of a private residential tenancy agreement in respect of the Property dated 19 October 2020.

The Applicant is the heritable creditor which has called up a standard security over the Property. Notice of the calling up proceedings were given to the Respondents on 20 May 2024. On 12 November 2024, the Sheriff at Kirkcaldy granted warrant for the Applicant to take possession of the Property.

Notice to Leave dated 4 March 2025 was served on the Respondents on 7 March 2025. The Respondents appear to remain in occupation.

The Applicant has indicated that it intends to sell the Property.

The Respondents have offered no response to the Application. The Tribunal is in possession of no information which suggests that an order for possession of the Property should not be made.

In all the circumstances, the Tribunal considers that it would be reasonable to grant an Order for eviction of the Respondents.

Decision

An order for possession of the Property will be made in favour of the Applicant.

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.

John McHugh

Legal Member/Chair

12 December 2025
Date