



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 19 of the Housing (Scotland) Act 1988 ("The Act")

Chamber Ref: FTS/HPC/EV/25/3116

Re: Property at Flat 2/1, 4 Underwood Road, Paisley, PA3 1TD ("the Property")

Parties:

Bank of Scotland, The Mound, Edinburgh, EH1 1YZ ("the Applicant")

Mr Kevin Bell, Flat 2/1, 4 Underwood Road, Paisley, PA3 1TD ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 2 of Schedule 5 of the Act. The Application is accompanied by a copy of the tenancy agreement and the relevant Form AT6 with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced along with proof of the Property having been subject to a heritable security and the Applicant being entitled to sell the Property by virtue of a relevant Sheriff Court Decree.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 26 January 2026. The Applicant was represented by Ms McDonald of Aberdein Considine. The Respondent was neither present nor represented. The Application and details of the CMD had been competently served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] Ms McDonald spoke to the Applicant's efforts to engage with the Respondent. He was thought to be living alone and seeking alternate accommodation with the support of the local authority. Having heard from Ms McDonald and having considered the written materials, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Property is subject to a heritable security and the Applicant has been granted Decree to sell the Property.*
- 2) *The Applicant has competently served a Form AT6 under ground 2 of Schedule 5 of the Act on the Respondent;*
- 3) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 4) *The Respondent has not engaged with the Tribunal process. He is thought to live alone and has communicated to the Applicant's agents that he is looking to find alternate accommodation.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 2 of Schedule 5 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application and made an Eviction order.

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 McLaughlin

Legal Member/Chair

26 Jan 2026

Date