



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/25/4135

Re: Property at 65 Pratt Street, Kirkcaldy, Fife, KY1 1RZ (“the Property”)

Parties:

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

Ramona Soledad Berlan, Mr Alex Suras Colompar, 65 Pratt Street, Kirkcaldy, Fife, KY1 1RZ (“the Respondents”)

Tribunal Members:

Lesley Ward (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondents)

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondents shall be evicted from the property on the basis of ground 2 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (property to be sold by lender), and it being reasonable in all of the circumstances that the eviction be granted.

Background

2. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). The Applicant was represented by Ms Katie McDonald of Aberdeen Considine Solicitors. The Respondents did not attend and were not represented. The tribunal had sight of the execution of service of the application by Sheriff Officers on 25 February 2026. The tribunal was satisfied that the Respondents were aware of the hearing and had received appropriate notice in terms of rule 24. The tribunal proceeded in their absence in terms of rule 29. The tribunal did

not conclude the hearing until 10.17 am and the Respondents had not attempted to join the call in the intervening period.

3. The tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement dated 1 May 2022.
- (2) Notice to leave dated 12 May 2025.
- (3) Proof of service of the notice to leave.
- (4) Section 11 notice and proof of service.
- (5) Land certificate.
- (6) Extract decree.
- (7) Notice to occupier.

Case management discussion

The Applicant's position

4. The Applicant is seeking an order for eviction as heritable creditor. The Applicant's contact with the Respondents has been limited. Sheriff Officers attended at the property on 18 September 2025 on the expiry of the notice to leave and the Respondents indicated they had been to the local authority to seek rehousing but had not been rehoused yet. Sheriff Officers attended again on 31 March 2026 in advance of the application being lodged. The Respondents were both in the property at that time and they gave no indication that they were planning to vacate it. The Applicant is unable to confirm if rent is being paid. The Applicant is not aware of any one else living in the property and has no information about whether the Respondents are in employment.

5. Findings in fact

- The Respondents and the owner of the property entered into a private residential tenancy agreement for let of the property on 1 May 2022.
- The property is subject to a heritable security.
- Applicant is the heritable creditor of the property.
- The sheriff has granted a decree in favour of the heritable creditor on 20 March 2025, entitling them to enter into possession and sell the property.
- The Applicant requires the Respondents to leave the property for the purposes of disposing it with vacant possession.
- The Respondents were served with a valid notice to leave on 14 May 2025.

Reasons

6. The Applicant is the heritable creditor who has entered into possession and is entitled to sell the let property and they intend to do so when they obtain vacant possession. The tribunal was satisfied that the eviction ground was met.

7. Being satisfied that the eviction ground was met, the tribunal went on to consider the reasonableness of granting the eviction. The application was undefended and the tribunal had limited information regarding the Respondents' circumstances. The Respondents have had four encounters with Sheriff Officers as part of the eviction process from service of the notice to leave until the application was made. They have been given all of the relevant information and have decided not to defend the application. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal was satisfied it was reasonable in all of the circumstances to grant the 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.

Lesley Ward

16 April 2026

Legal Convenor