



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/4450

Re: Property at Flat A (Ground Floor Right), 111 Menzies Road, Aberdeen, Aberdeenshire, AB11 9AL (“the Property”)

Parties:

The Mortgage Works (UK) Plc, Nationwide House, Pipers Way, Swindon, Wiltshire, SN38 1NW (“the Applicant”)

Mr Jaroslaw Kisielewicz, Flat A (Ground Floor Right), 111 Menzies Road, Aberdeen, Aberdeenshire, AB11 9AL (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Jane Heppenstall (Ordinary Member)

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 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave 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.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 1 May 2026. The Applicant was represented by Ms Masters Good, solicitor. The Respondent was neither present nor represented. The Respondent had received valid service of the Application. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] Having heard from Ms Masters Good, 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 notice to leave under ground 2 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 or the Applicant's representatives.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 2 of Schedule 3 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

1 May 2026

Date