



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under the Private Housing (Tenancies)(Scotland) Act 2016 and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/EV/25/5217

Re: Property at 14 Crombie House, Grandholm Crescent, Bridge of Don, Aberdeen, AB22 8BD (“the Property”)

Parties:

HSBC Bank plc, 8 Canada Square, London, E14 5HQ (the Applicant)

Mr Charles Emina, 14 Crombie House, Grandholm Crescent, Bridge of Don, Aberdeen, AB22 8BD (the Respondent)

Tribunal Members:

**Ms. Susanne L. M. Tanner K.C. (Legal Member)
Mrs. Helen Barclay (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal):

- (i) was satisfied that Ground 2 in Schedule 3 to Private Housing (Tenancies)(Scotland) the 2016 Act was established by the Applicant, in that (a) the let Property is subject to a heritable security; (b) the creditor under that security is entitled to sell the Property; (c) the creditor requires the tenant to leave the Property for the purpose of disposing of it with vacant possession; and (d) the tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts; and**
- (ii) the tribunal made an order for eviction in terms of the 2016 Act.**

The decision of the tribunal was unanimous.

Reasons

Procedural Background

1. The Applicant's Representative made an application to the tribunal on 3 December 2025 in terms of the Private Housing (Tenancies) (Scotland) Act 2016 (the 2016 Act) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks an order for eviction of the Respondent from the Property in terms of the 2016 Act under Ground 2 of Schedule 3 to the 2016 Act, in summary that the Property is to be sold by the lender. The basis of the Application is in the paper apart to section 5 of the Application.
3. The Applicant's Representative lodged supporting documents with the Application:
4. The tribunal's administration obtained the Title Sheet for the Property which shows that the Applicant is the heritable creditor of the Property and the registered proprietor is Imran Zaheer Inam.
5. The Application was accepted for determination by a tribunal. Both parties were notified by letters dated 7 May 2026 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 15 June 2026 at 1400h by teleconference. The Respondent was invited to make written representations in response to the Application by 28 May 2026. Both parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers.
6. The Respondent did not submit any written representations in response to the Application.

Case Management Discussion (CMD) 15 June 2026, 1400h: Teleconference

7. Mrs Sophie McNally, Solicitor from the Applicant's Representative attended on behalf of the Applicant.

8. The Respondent, Mr Emina, did not attend the CMD, or make any contact with the tribunal. The tribunal was satisfied on the basis of the Certificate of Service by Sheriff Officers on 8 May 2026 that the requirements of Rule 24(1) of the 2017 Rules regarding the giving of notice had been duly complied with and the tribunal proceeded with the CMD in the absence of the Respondent in terms of Rule 29 of the 2017 Rules, upon the representations of any party present and all the material before it.

Applicant's Representative's submissions

9. Mrs McNally adopted and relied on her written submissions and supporting documents and invited the tribunal to make the order for eviction.

10. Mrs McNally stated that there had been no contact from the Respondent since service of the Notice to Leave. The tenancy is dealt with directly by Mr Inam, ('the landlord').

11. The Applicant is the secured creditor over the Property in terms of a standard security granted by the landlord in the Applicant's favour. The Respondent is the sole tenant in a PRT with the landlord.

12. The security held over the Property relates to a mortgage loan advanced by the Applicant to the landlord on 2 October 2008. Contractual payments are not being met by the landlord. The sum due to the Applicant is in excess of £121,610.49. As at 12 June 2025 arrears were in excess of £22,000 and no payments have been made by the landlord since then.

13. The Applicant wishes to sell the Property as soon as possible with vacant possession.

14. The repossession action at Aberdeen Sheriff Court resulted in a decree granted on 12 June 2025.

15. The Applicant does not have any details about the tenant beyond those in the tenancy agreement.

16. Mrs McNally submitted that all statutory requirements have been met and it is reasonable to make an order for eviction.

17. The tribunal adjourned to deliberate.

18. The tribunal makes the following findings-in-fact:

- 18.1. Mr Imran Zaheer Inam (the landlord) is the registered proprietor of the Property.
- 18.2. In 2008, the landlord granted a security in favour of the Applicant which is registered on the title of the Property.
- 18.3. The Applicant is the heritable creditor of the Property.
- 18.4. There is a current balance on the mortgage in excess of £121,610.49 and arrears are in excess of £22,000.
- 18.5. The landlord entered into a private residential tenancy with the Respondent which began on 30 November 2020.
- 18.6. On 12 June 2025, the Applicant obtained a decree entitling them to enter into possession and sell the Property.
- 18.7. The Applicant requires vacant possession of the Property to enforce the decree in their favour entitling them to enter into possession and sell the Property.

Discussion

19. The application for an order for eviction was not opposed by the Respondent.
20. The tribunal was satisfied on the basis of the findings in fact that Ground 2 in Schedule 3 of the 2016 Act is established in that: (a) the let Property is subject to a heritable security; (b) the creditor under that security is entitled to sell the Property; (c) the creditor requires the tenant to leave the Property for the purpose of disposing of it with vacant possession; and (d) the tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.
21. The tribunal therefore made an order for eviction in terms of the 2016 Act.

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.

Susanne Tanner K.C.

15 June 2026

Ms. Susanne L. M. Tanner Q.C.
Legal Member/Chair