

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/25/4684

**Property: 12 Salisbury Court, Salisbury Terrace, Aberdeen AB10 6PN
("Property")**

Parties:

**Siberite Mortgages Limited, The Pavilions, Bridgwater Road, Bristol BS13 8AE
("Applicant")**

**Aberdeen Considine, 18 Waterloo Street, Glasgow G2 6DB ("Applicant's
Representative")**

**Andrew Elrick, 12 Salisbury Court, Salisbury Terrace, Aberdeen AB10 6PN
("Respondent")**

Tribunal Members:

Joan Devine (Legal Member)

Angus Lamont (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined to grant an order for possession of the Property.**

Background

1. The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E along with a Tenancy Agreement which commenced on 27 March 2019 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 23 July 2025 ("Notice to Leave") with sheriff officer certificate evidencing service on 25 July 2025; Form BB addressed to the Occupier of the Property dated 8 July 2024; extract decree under the Conveyancing and Feudal Reform (Scotland) Act 1970 dated 27 March 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email. The application was served on the Respondent by sheriff officer on 10 April 2026. A case management discussion was fixed for 15 May 2026 which was postponed to 31 August 2026.

Case Management Discussion (“CMD”)

2. An CMD took place before the Tribunal on 31 August 2026 by teleconference. The Applicant was represented by Chloe Imrie of the Applicant's Representative. The Respondent was not in attendance.
3. Ms Imrie told the Tribunal that she was aware of the email from the Respondent to the Tribunal dated 17 August 2026 in which the Respondent stated that he had vacated the Property and returned the keys to DJ Alexander, letting agents. She said that DJ Alexander were aware of the Applicant's involvement with the Property but they had not been in contact about the keys. She said that in any event, the Applicant would always change the locks once they had an order for possession. Ms Imrie told the Tribunal that a possession order was still required to allow the Applicant to take appropriate steps in the event of the Respondent attempting to re-enter the Property.

Findings in Fact

The Tribunal made the following findings in fact:

1. Philip Towers and the Respondent entered into a Tenancy Agreement for the Property which commenced on 25 March 2019.
2. A standard security over the Property in favour of Mortgage Express was registered on 10 October 2002.
3. The standard security in favour of Mortgage Express was assigned to the Applicant which assignment was registered on 22 July 2019
4. On 27 March 2025 decree was granted in favour of the Applicant under the Conveyancing and Feudal Reform (Scotland) Act 1970 in terms of which the Applicant is entitled to enter into possession of the Property.
5. The Applicant intends to sell the Property.
6. The Applicant requires the Respondent to leave the Property for the purpose of disposing of it with vacant possession.
7. The Notice to Leave was served by sheriff officer on 25 July 2025.
8. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Findings in Fact and Law

The Tribunal made the following findings in fact and law :

1. It is reasonable for the Tribunal to grant an order for possession of the Property.

Reasons for the Decision

4. The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 2 which is that a lender intends to sell the let property. The Tribunal considered the extract decree provided along with the oral submission of the Applicant's Representative and determined that ground 2 had been established.
5. Having considered all of the circumstances, and in light of the Respondent's lack of opposition to the application being granted, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

6. The Tribunal grants an order for possession of the Property.

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.

**Joan Devine
Legal Member**

Date : 31 August 2026