



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18(1) of the Housing  
(Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/19/2837**

**Re: Property at Flat 3/2, 16 Garturk Street, Glasgow, G42 8JE (“the Property”)**

**Parties:**

**Bank of Scotland PLC, The Mound, Edinburgh, EH1 1YZ (“the Applicant”)  
Representative: Aberdeen Considine, 18 Waterloo Street, Glasgow, G2 6DB  
 (“the Representative”) and**

**Mr Nicolae Balogh and Ms Daniela Balogh, Flat 3/2, 16 Garturk Street,  
Glasgow, G42 8JE (“the Respondents”)**

**Tribunal Member:**

**G McWilliams- Legal Member**

**Decision in absence of the Respondents**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined as follows:**

**Background**

1. This is an Application dated 10<sup>th</sup> September 2019 brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the 2017 Regulations”).
2. The Applicant provided the Tribunal, in the Application, with copies of the Respondents’ Tenancy agreement, the Notices to Leave served on them, with relevant Executions of Service, the Section 11 Notice intimated to Glasgow City Council and the Decree for recovery of possession of the Property granted in favour of the Applicant at Glasgow Sheriff Court on 29<sup>th</sup> July 2016.

All of the above documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondents had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 24<sup>th</sup> October 2019, and Executions of Service have been produced.

### **Case Management Discussion**

4. A Case Management Discussion (“CMD”) was held on 25<sup>th</sup> November 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicant’s Representative Ms L Taylor attended. The Respondents did not appear and were not represented. The Applicant’s representative submitted that as the Respondents had been effectively served with all papers in respect of the Application for an eviction order, and had not lodged any representations with the Tribunal, nor attended at the CMD, the eviction order should be granted.

### **Statement of Reasons**

5. In terms of Section 45 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) when ownership of a property let under a private residential tenancy is transferred, the landlord’s interest under the tenancy transfers with it.
6. In terms of Section 51 of the Act the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
7. Schedule 3 (2) (1) of the Act provides:
  - (1) that it is an eviction ground that the lender intends to sell the let property, and
  - (2) The First-tier Tribunal must find that the ground named by sub-paragraph (1) applies if –
    - (a) the let property is subject to a heritable security,
    - (b) the creditor under the security is entitled to sell the property, and
    - (c) the creditor requires the tenant to leave the property for the purpose of disposing of it with vacant possession.
8. All of the above criteria have been satisfied in this Application, and accordingly the Tribunal shall issue an eviction order.

## **Decision**

9. In the circumstances, the Tribunal makes an eviction order as sought in this Application.

## **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.

G McWilliams

25<sup>th</sup> November 2019

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Legal Member

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Date