



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/25/4035

Re: Property at 15 High Street, Laurencekirk, AB30 1AA (“the Property”)

Parties:

Together Commercial Finance Ltd t/a together, Lake View, Lakeside, Cheadle, SK8 3GW (“the Applicant”)

Mrs Anne Irene Audrey Burke Lopez and Mr Emmanuel Loic Nicolas Antoine Burke Lopez, 15 High Street, Laurencekirk, AB30 1AA (“the Respondents”)

Tribunal Members:

Andrew Cowan (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is an application for an eviction order regarding a Private Residential Tenancy (“PRT”) made in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (as amended) (“the Rules”). The PRT is between the Parties and relates to the Property.
2. The application relies upon a Notice to Leave dated 9th May 2025, issued in terms of section 52 of the Private Housing (Tenancies) (Scotland) Act 2016. The notice was served upon the Respondents Recorded Delivery mail on 9th May 2025. The Notice relied upon Ground 2 of Schedule 3 of Part 1 of the 2016 Act, in that “a lender intends to sell the let property”. The Notice to

Leave intimated that an application to the Tribunal would not be made before 5 August 2025. .

3. The Application papers included evidence that a section 11 notice, in terms of the Homelessness Etc. (Scotland) Act 2003, had been served upon Aberdeen City Council by email on 18th September 2025.

Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by teleconference on 10th April 2026. The Applicant was represented at the CMD by Ms Katie Young, trainee solicitor.
5. The Respondents both joined the CMD call.
6. At the CMD the Tribunal was able to consider (in addition to the application):
 - a. Copy Land Certificate in relation to the Property, Title Number KNC3889, which confirmed that the current registered proprietors of the Property are Rushpal Singh and Balbinder Kaur Singh. It further confirmed that the Property is subject to a standard security granted by Rushpal Singh and Balbinder Kaur Singh in favour of the Applicant.
 - b. Copy extract decree granted at Aberdeen Sheriff court and granted on 31st October 2024 in favour of the Applicant against Balbinder Kaur Singh. The decree was granted under the Conveyancing and Feudal Reform (Scotland) Act 1970. Balbinder Kaur Singh was the heritable proprietor of the Property and the Landlord of the Respondents. The Decree found, and declared that, *inter alia*, in respect of the Property, Balbinder Kaur Singh was in default in respect of the standard security granted in favour of the Applicant and that the Applicant has the right to sell the subjects and to enter into possession of the subjects and to exercise all powers competent to a creditor in lawful possession of the subjects under the Conveyancing and Feudal Reform (Scotland) Act 1970.
 - c. A tenancy agreement between the Respondents and Balbinder Kaur Singh. The tenancy agreement was a Private Residential Tenancy Agreement in relation to the Property. That agreement commenced on 1st April 2022.
 - d. Written submission and photographs lodged by the Respondents with the Tribunal by email dated 12th March 2026.
7. Ground 2 of Schedule 3 to the 2016 Act states that:

2 Property to be sold by lender

- (1) It is an eviction ground that a lender intends to sell the let property.*
- (2) The First-tier Tribunal may 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 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.*

Findings in Fact and Law

8. The Property is subject to a heritable security. That security is registered against the Property in Title Number KNC 3889. .
9. The Applicant is the creditor under the heritable security granted over the Property.
10. The Applicant is entitled to sell the Property in terms of decree granted under the Conveyancing and Feudal Reform (Scotland) Act 1970 at Aberdeen Sheriff Court on 31st October 2024.
11. The Applicant requires the Respondents to leave the Property for the purpose of disposing of it with vacant possession.
12. The Applicant has issued a Notice to Leave dated 9th May 2025 in terms of section 52 of the Private Housing (Tenancies) (Scotland) Act 2016. The notice was served upon the Respondent by recorded delivery mail on 9th May 2025.
13. The Applicant has raised proceedings for an order for eviction with the Tribunal, under Rule 109, relying on Ground 2 of Schedule 3 of the 2016 Act, in terms of an Application to the Tribunal dated 18 September 2025. .
14. A section 11 notice in the required terms of the Homelessness Etc. (Scotland) Act 2003 was served upon Aberdeen City Council on the Applicant's behalf on 18 September 2025. .
15. The Respondents do not wish to oppose the application for eviction provided it is not enforceable prior to 17th July 2026.
16. It is reasonable to issue an eviction order.

Reasons for Decision

17. The Tribunal were satisfied on the basis of the application and supporting papers that the Applicants were entitled to sell the Property and to require the Respondents to leave the Property for the purposes of disposing it with vacant possession.
18. Notice to Leave had been competently drafted and served upon the Respondent.
19. The Tribunal were satisfied that it had had sufficient information upon which to make a decision at the CMD, having considered information made available by the Applicant. The Rules allow, at rule 17(4), for a decision to be made at a CMD as at a hearing before a full panel of the Tribunal.
20. The Tribunal then considered whether it was reasonable to issue an eviction order under paragraph 2 (d) of Ground 2.
21. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties
22. In this case the Tribunal finds that it is reasonable to grant the order.
23. At the CMD the Applicant's representative advised the Tribunal that the Applicant required vacant possession of the Property to allow the Property to be sold. The application confirmed that the Applicant required to sell the Property to allow them to recover sums due by the owner of the property in terms of the standard security which the owner had granted over the Property and upon which the owner had defaulted.
24. At the CMD the Respondents confirmed to the tribunal that they did not wish to oppose the application for an eviction order. They explained that they wished the opportunity to seek alternative housing from the local authority, or other housing provider. On that basis they asked the Tribunal to delay the eviction order to allow them time to make an application for housing to the local authority or to seek alternative housing in the private sector. The Applicant's representative confirmed to the tribunal that the Applicant did not oppose the delay of the eviction order for a period of three months. The Applicant's representative confirmed that the Applicant was willing to delay the date after which an eviction order could be enforced to 17th July 2026. On that basis, the Respondents did not wish to argue that the grant of an order of eviction would be unreasonable.
25. The Tribunal consider that it is reasonable to grant the eviction order. In reaching a decision on whether it was reasonable to grant the order sought the Tribunal took account of the fact that the Respondents did not seek to

oppose the eviction order, provided any such order could not be enforced for a period of at least three months from the date of the CMD.

26. The Tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

27. The Tribunal consider that in the circumstances of the case it would be appropriate to allow the Respondents a period of three months to remove from the Property to allow them the opportunity to seek alternative accommodation. Accordingly, the Tribunal have determined that the order for possession should not be executed prior to 12 noon on 17th July 2026.

Decision

28. In all the circumstances, the Tribunal grant an order against the Respondent for eviction from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.

29. The decision of the Tribunal is unanimous.

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 Cowan

10th April 2026

Legal Member/Chair

Date