



**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/25/3052

Re: Property at 24 Torphin Crescent, Glasgow, G32 6QA (“the Property”)

Parties:

Bank of Scotland, The Mound, Edinburgh, EH1 1YZ (“the Applicant”)

**Miss Emma Torrance, 24 Torphin Crescent, Glasgow, G32 6QA (“the
Respondent”)**

Tribunal Members:

James Bauld (Legal Member) and Helen Barclay (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the hearing fixed for 7 July 2026 should be cancelled
and that the application for the order for possession should be granted**

. Background

1. By application dated 15 July 2025 the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”).
2. A Case Management Discussion (CMD) took place on 23 March 2026, and a Note was issued by the tribunal to parties after the CMD. The tribunal had determined that a hearing required to be fixed

3. The hearing was set to take place on 7 July 2026 at 10.00 a.m..
4. On 29 June 2026 the tribunal received emails from solicitors acting for both parties.
5. The emails indicated that parties had agreed that the eviction order should be granted but that it should be delayed for a period of six months.
6. The emails set out detailed reasons for this agreement.
7. Parties asked the tribunal to cancel the hearing set for 7 July 2026 and to deal with the matter without a hearing as allowed by rule 18 of the procedure rules.
8. The tribunal has carefully considered the emails from the solicitors acting for the parties and notes that the respondent is in receipt of formal legal advice.
9. The tribunal noted that the eviction was sought under and in terms of ground 2 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016
10. That ground is currently in the following terms.

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.

11. The applicant is applying as a lender who intends to sell a let property. They have already obtained the appropriate decree from the Sheriff Court allowing them to recover possession from the owner and they now required the respondent to leave the property in order that they can dispose of it with vacant possession. The respondent was a tenant of a tenancy of the property which was a private residential tenancy under and in terms of the 2016 Act.

12. A Notice to Leave had been served on the respondent indicating that the applicant intended to seek an eviction order based on ground 2.
13. The Applicant is entitled to sell the property.
14. The applicant's solicitor indicated that the applicant intends to sell the property. If the eviction order is granted, they will take steps to recover possession. The applicant requires the tenant to leave the property for the purpose of disposing of it with vacant possession

Findings in fact

15. The let property is subject to a heritable security granted by the owner in favour of the applicant.
16. The Applicant as the creditor under that security is entitled to sell the property, having obtained a decree from Glasgow Sheriff Court dated 12 August 2022 and extracted on 17 September 2022.
17. The Respondent is a tenant of the let property under a private residential tenancy of the property which commenced on 7 November 2017.
18. On 11 April 2025 the applicant served upon the tenant a notice to leave as required by the Act. The notice became effective on 5 July 2025. The notice informed the tenant that the applicant as a lender wished to seek recovery of possession using the provisions of the Act.
19. The applicant is entitled to sell the property and intends to do so.
20. The applicant as the lender requires the tenant to leave the property for the purpose of disposing of it with vacant possession

Discussion and reasons for decision

21. The ground for eviction under which this application was made is the ground contained in paragraph 2 of schedule 3 of the 2016 Act. The ground is that a lender intends to sell the let property. When the 2016 Act was originally passed, that ground of eviction was mandatory. The tribunal was required by law to grant the eviction order if satisfied that the ground was established.
22. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.

23. The only matter to be determined in this application is whether it is reasonable to grant the order.
24. The tribunal noted the agreement which has been reached between the parties and notes that the respondent now concedes that it is reasonable that the eviction order should be granted and that parties are agreed that the order should be suspended for a period of six months to allow the respondent time to obtain alternative accommodation
25. The tribunal finds that it is reasonable to grant the order and is content to grant the order on that basis noting the agreement of the parties. The tribunal acknowledges the assistance of the solicitors acting for both parties in resolving this matter without the need for a hearing.
26. The tribunal also exercised the power within rule 18 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that the final order should be made without a hearing

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.

James Bauld

3 July 2026

Legal Member/Chair

Date