



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/26/0654

Re: Property at 88 Kings Road, Rosyth, Dunfermline, KY11 2TN (“the Property”)

Parties:

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

Ms Rachelle Birch, 88 Kings Road, Rosyth, Dunfermline, KY11 2TN (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.

Background

1. By application dated 10 February 2026 the applicant seeks an order for eviction, relying on ground 2 (property to be sold by lender) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant lodged the following documents in advance of the case management discussion (“cmd”):
 - Copy tenancy agreement
 - Notice to leave with proof of service
 - Section 11 notice to local authority

- Extract decree for repossession against the landlord
 - Copy form BB to the occupier
3. A case management discussion (“cmd”) took place was scheduled to take place via teleconference on 27 August 2026.

Case management discussion – teleconference – 27 August 2026

4. The applicant was represented by Ms Imrie, Solicitor, Aberdeen Considine. The respondent was not present or represented. The respondent had been personally served with papers by Sheriff Officers on 27 July 2026 notifying her of the cmd. The Tribunal was satisfied that the respondent had been properly notified of the cmd and proceeded with the discussion in her absence.
5. Ms Imrie sought an order for eviction. She stated that Sheriff Officers had attended the property on 18 August 2026 and confirmed that the respondent continues to reside in the property. Ms Imrie stated that a decree for repossession had been obtained on 8 April 2025 against the landlord. The respondent had been served with a Form BB dated 13 November 2025 notifying her of the repossession proceedings. Ms Imrie stated that she had spoken to the respondent on the telephone after the notice to leave had been served however the respondent had not provided any information about her personal circumstances. Ms Imrie stated that since decree of repossession had been obtained no rent had been received by the applicant and it was not known if the respondent continued to pay rent to the landlord.
6. Ms Imrie stated that the applicant had a statutory duty to obtain the highest price for sale of the property in order that this could be applied to the landlord’s outstanding debt. This required vacant possession of the property.

Findings in fact

7. The respondent entered into a private residential tenancy agreement with Jacqueline Stott (“the landlord”) with a commencement date of 16 September 2024.
8. The landlord took out a secured loan over the property in favour of the applicant.
9. On 8 April 2025 decree of repossession was granted in favour of the applicant.
10. The respondent was served with a form BB informing her of the repossession proceedings dated 13 November 2024.
11. A notice to leave specifying ground 2 was served on the respondent on 15 October 2025.
12. The applicant requires vacant possession of the property in order to achieve the highest market value at sale.
13. The respondent did not lodge any written defence to the application and did not attend the cmd to oppose an order for eviction being granted.

Reasons for decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

reasonableness of the order being granted. The Tribunal took into account that the respondent had been aware that the applicant intended to repossess the property since November 2024 and had been served with a notice to leave in October 2025. She had been given a significant period of notice to find alternative accommodation. The Tribunal gave weight to Ms Imrie's submissions that the applicant required vacant possession in order to achieve the optimal market value for the property. The applicant had not provided any information relating to the respondent's personal circumstances however, against that the respondent had not made any representations on her own behalf. Taking the foregoing circumstances into account the Tribunal determined that it was reasonable to grant an order for eviction.

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.

M-C Kelly

Legal Member/Chair

27 August 2026

Date