

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/26/0705

Re: 18 Brockley View, Kilbirnie, KA25 7HQ (“the Property”)

Parties:

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

Aberdein Considine, Solicitors, 18 Waterloo Street, Glasgow, G2 6DB (“the Applicant’s Representative”) and

Ms Allison Clark and Mr Garry McCourt, 18 Brockley View, Kilbirnie, KA25 7HQ (“the Respondents”)

Tribunal Members:

G McWilliams- Legal Member

A Moore - Ordinary Member

Decision in absence of the Respondents

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

Background

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. Bank of Scotland PLC’s Representative had provided the Tribunal, in the Application, with copies of the Decree, for possession and sale, previously granted in favour of the Applicant Bank of Scotland Plc, the Private Residential Tenancy Agreement (“the PRT”) in respect of the Property, the Notice to Leave served on the Respondents and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to North Ayrshire Council. All of these documents and forms had

been correctly and validly prepared, and issued, 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 Application papers and Guidance Notes had been validly served upon the Respondents by Sheriff Officers on 14th July 2026.
4. The Respondents had not lodged any representations in respect of the Application.

Case Management Discussion

5. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10.00am on 18th August 2026. The Applicant’s Representative’s Ms E Masters-Good attended. The Respondents did not attend and were not represented.
6. Ms Master-Good referred to the Application papers and stated that the Second Respondent Mr Garry McCourt had been in e-mail correspondence with her office. She said that Mr McCourt had stated that he and Ms Clark have been offered a tenancy by their local authority and hope to be moving into their new home forthwith. Ms Masters-Good asked the Tribunal to grant the eviction order.

Findings in Fact and Law and Reasons for Decision

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 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.
8. Schedule 3 (2) (1) of the 2016 Act provides that it is an eviction ground that a lender intends to sell the let property.
9. The Tribunal considered all of the Application papers, as well as the submission of Ms Masters-Good.
10. The Respondents had not lodged representations with the Tribunal regarding the reasonableness of the grant of an eviction order or attended the CMD to provide any evidence, and/or make any submission, to oppose, and contradict the basis for the order sought by Bank of Scotland PLC.
11. Having considered all of the evidence and relying, in particular, on Ms Masters-Good’s submission, the Tribunal finds in fact that Bank of Scotland Plc intends to sell the property. The Tribunal finds in law that the ground in Schedule 3 (2) (1) of the 2016 Act is met and determines that it is reasonable that an eviction order be granted.

Decision

12. The Tribunal therefore 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

18th August 2026

Tribunal Legal Member

Date