

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**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/24/5298**

**Re: Property at 67e Sandeman Street, Dundee, DD3 7LB (“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**

**Paul McDermott, 67e Sandeman Street, Dundee, DD3 7LB (“the First Respondent”) and**

**Emma Martin, 67e Sandeman Street, Dundee, DD3 7LB (“the Second Respondent”) and**

**Dundee Law Centre, 163 Albert Street, Dundee, DD4 6PX (“the Respondents’ Representative”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**A Khan - Ordinary Member**

**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, granted in favour of the Applicant Bank of Scotland Plc at Dundee Sheriff Court on 28<sup>th</sup> March 2024, the Private Residential Tenancy Agreement ("the PRT") in respect of the Property, the Notices to Leave served on the Respondents Mr McDermott and Ms Martin and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notices intimated to Dundee City 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 served upon both Respondents by Sheriff Officers on 20<sup>th</sup> March 2025.
4. Both Representatives have sent e-mails to the Tribunal's office confirming that the parties are agreed that an eviction order should be granted in favour of the Applicant with a deferred enforcement date of 2<sup>nd</sup> September 2025.

### **Findings in Fact and Law and Reasons for Decision**

5. 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.
6. Schedule 3 (2) (1) of the 2016 Act provides that it is an eviction ground that a lender intends to sell the let property.
7. The Tribunal considered all of the Application papers, as well as the written submissions of both Representatives.
8. Having considered all of the evidence and the Representatives' submissions, the Tribunal finds in fact that Bank of Scotland Plc intends to sell the Property and requires to recover possession of the Property in order to do so. The Tribunal further finds in fact that all parties are agreed that an order for recovery of possession should be granted in favour of Bank of Scotland Plc, with the enforcement date, in respect of that order, being deferred until 2<sup>nd</sup> September 2025. 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**

9. 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.

Gerald McWilliams

G McWilliams

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Tribunal Legal Member

2<sup>nd</sup> June 2025

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Date