

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)**

Chamber Ref: FTS/HPC/EV/24/4365

Re: Property at 34 Pitkerro Drive, Dundee, DD4 8AN (“the Property”)

Parties:

BANK OF SCOTLAND PLC, The Mound, Edinburgh, EH1 1YZ (“the Applicant”)

Ms Amy Boyle, 34 Pitkerro Drive, Dundee, DD4 8AN (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 1st May 2018 The Property was let to the Respondent by one of its owners.
2. The Property was subject to a standard security in favour of Bank of Scotland plc
3. Bank of Scotland plc, the heritable creditor, called up the standard security. A Notice of Calling-Up dated 28th September 2023 was served on the Landlord.
4. On 11th April 2024 the Sheriff Court at Dundee granted an order under the Conveyancing and Feudal Reform (Scotland) Act 1970 (“the 1970 Act”) finding the Landlord was in default of his standard security and granting warrant to

the Applicant to take possession of the Property and to dispose of it in accordance with the 1970 Act.

5. A Notice to Leave was served upon the Respondent on 31st May 2024. This stated vacant possession was sought to enable the Property to be sold by the mortgage lender.
6. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

7. The Applicant was represented by Miss E Hamilton Of Aberdeen Considine, Solicitors. The Respondent participated personally and was represented by Mr R Gibson of the Dundee Law Centre.
8. Mr Gibson had only recently been instructed. He provided written submissions to the Tribunal on the afternoon of 29th May 2025. These submissions were made available to the Tribunal members and Miss Hamilton at the commencement of the Case Management Discussion.
9. Miss Hamilton moved the Tribunal to grant an eviction order. Mr Gibson referred to his written submissions. While these made reference to the Respondent having five children, two of whom have medical difficulties, his submissions also pointed out that the Respondent was actively seeking local authority housing although, given the size of the family and, consequently, the size of the house required, it may take some time for suitable housing to be offered to her.
10. On behalf of the Respondent, and no doubt appreciating the factual and legal position of the Applicant – a bank which has re-possessed a house and is under an obligation to sell it – stated that an order for eviction was not opposed in principle, but if an order was to be granted, requested that the date of enforcement be deferred until “the end of August” to allow time for suitable local authority housing to be allocated to the Respondent.
11. Miss Hamilton confirmed there would be no opposition to a deferred enforcement date at the end of August if an eviction order was granted.
12. Given the agreement of the Parties, and having regard to the legal obligation on the Applicant to sell the Property, the Tribunal determined that it was reasonable to grant an order for eviction with an enforcement date, if necessary, on 29th August 2025, that being the last working day of that month.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 2 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 29th August 2025

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.

Virgil Crawford

30th May 2025

Legal Member/Chair

Date