



**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/24/5612

Property : 47 Finavon Place, Dundee DD4 9DY ("Property")

Parties:

Bank of Scotland plc, The Mound, Edinburgh EH1 1YZ ("Applicant")

**Aberdein Considine, 18 Waterloo Street, Glasgow, G2 6DB ("Applicant's
Representative")**

Jade Walsh, 47 Finavon Place, Dundee DD4 9DY ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Sandra Brydon (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined to grant an order for possession of the Property.**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 17 May 2018 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 16 August 2024 ("Notice to Leave") with sheriff officer certificate evidencing service on 26 August 2024; Form BB addressed to the Occupier of the Property delivered on 29 September 2023; extract decree under the Conveyancing and Feudal Reform (Scotland) Act 1970 dated 14 March 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 6 December 2024. The Application was served on the Respondent by sheriff officer on 1 April 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 18 June 2025 by teleconference. The Applicant was represented by Katie McDonald of the Applicant's Representative. The Respondent was in attendance.

The Respondent told the Tribunal that she did not oppose the grant of the application. She said that she had been in touch with Dundee City Council rehousing team and they had indicated that a property suitable for her needs may become available quite quickly. She said that she requires a 4 bedroom property as she lives with her 4 children aged 18, 14, 13 and 6. She said that her eldest son has learning difficulties and difficulty walking although he can manage stairs. She said that she is not in employment.

Ms McDonald told the Tribunal that the Applicant is obliged to obtain the best price when selling the Property and therefore sought vacant possession. She said that it was the Applicant's experience that selling with a tenant in place had a negative effect on value. She said that the Applicant had been in contact with the Respondent's housing advisor at the Council and had been keeping them up to date with progress of the application. She said that the Applicant was sympathetic to the Respondent's position and would delay enforcement of any order granted in order to accommodate any date provided for alternative accommodation.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement for the Property which commenced on 17 May 2018.
2. On 14 March 2024 decree was granted in favour of the Applicant under the Conveyancing and Feudal Reform (Scotland) Act 1970 in terms of which the Applicant is entitled to enter into possession of the Property and any persons occupying the Property vacate the Property.
3. The Applicant intends to sell the Property.
4. The Applicant requires the Respondent to leave the Property for the purpose of disposing of it with vacant possession.
5. The Notice to Leave was served by sheriff officer on 26 August 2024.
6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 2 which is that a lender intends to sell the let property. The Tribunal considered the extract decree provided along with the oral submission of the Applicant's Representative and determined that ground 2 had been established.

Having considered all of the circumstances, and in light of the Respondent's lack of opposition to the application being granted, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.

**Joan Devine
Legal Member**

Date : 18 June 2025