



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing
(Scotland) Act 1988 (Act)**

Chamber Ref: FTS/HPC/EV/24/5330

Re: Property at 93 Rannoch Place, Irvine, Ayrshire, KA12 9NH (“the Property”)

Parties:

**Siberite Mortgages Limited, The Pavillions, Bridgewater Road, Bristol, BS13 8AE
 (“the Applicant”)**

**Ms Carole Tunnicliffe, Thomas Johnson, 93 Rannoch Place, Irvine, Ayrshire,
KA12 9NH (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted but that execution of the order should be postponed to 14 September 2025.

Background

This is an application under Rule 65 and section 18(1) of the Act in respect of the Applicants’ intention to sell the Property and for eviction and recovery of possession on Ground 2 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 19 November 2024;
2. Short Assured Tenancy Agreement (**SAT**) commencing 10 April 2017;
3. Form AT6 served on both Respondents by Sheriff Officer on 12 September 2024;
4. Section 11 Notice to Local Authority and email serving;

5. Decree for possession of the Property from Kilmarnock Sheriff Court dated 5 June 2024.
6. Written Representations from the Respondents' Representative dated 29 May 2025;
7. Written Representations from the Applicant's Representative dated 6 June 2025.

Discussion and Decision

The case was scheduled to call for a CMD by conference call on 14 July 2025. The Parties had reached agreement between them confirmed by exchange of written representations dated 29 May and 6 June 2025 that the order be granted and that execution be postponed by 2 months from the date of the CMD.

Having considered the documentation lodged in support of the application and the written representations of the Parties the Tribunal had regard to the terms of Ground 2:

Ground 2

The house is subject to a heritable security granted before the creation of the tenancy and—

(a) as a result of a default by the debtor the creditor is entitled to sell the house and requires it for the purpose of disposing of it with vacant possession in exercise of that entitlement; and

(b) either notice was given in writing to the tenant not later than the date of commencement of the tenancy that possession might be recovered on this Ground or the First-tier Tribunal is satisfied that it is reasonable to dispense with the requirement of notice.

The Tribunal, in so far as material, made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 10 April 2017;
2. The Applicant was the creditor under a standard security over the Property, had called up the security and now held a decree from Glasgow Sheriff Court for possession of the Property;
3. The Applicant intends to sell the Property with vacant possession;
4. Form AT6 had been served on the Respondents by Sheriff Officers on 12 September 2024;
5. Section 11 notification had been served on the local authority;
6. The Parties were in agreement that the order be granted but that execution be postponed by 2 months from the date of the CMD.

The Tribunal considered all of the evidence and submissions. The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Parties were in agreement that the order should be granted. Both Parties had the benefit of representation and advice. The Tribunal considered that it was reasonable in the circumstances to grant the order sought.

The Tribunal was satisfied that Ground 2 had been established and accordingly granted the application for eviction and recovery of possession and postponed execution of the order to 14 September 2025 under Rule 16A of the Tribunal Procedure Rules.

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.

Alan Strain

1 July 2025

Legal Member/Chair

Date