



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/2485

Re: Property at 34 Westcastle Crescent, Glasgow, G45 9DE (“the Property”)

Parties:

Nationwide Building Society, Nationwide House, Pipers Way, England, SN38 1NW (“the Applicant”)

Mr Steven Reynolds, 34 Westcastle Crescent, Glasgow, G45 9DE (“the Respondent”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an order for recovery of possession should be granted in favour of the Applicant against the Respondent. The Tribunal delayed execution of the order until 6 February 2026.

Background

1. An application was received from the Applicant’s representative on 10 June 2025 under rule 109 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (‘the 2017 rules’) seeking recovery of the property under Ground 2 (property to be sold by lender) as set out in Schedule 3 of the 2016 Act.
2. Attached to the application form were:

- (i) Copy private residential tenancy between the Respondent and the landlord, Mr Thomas Robert Simpson, which commenced on 1 November 2019.
- (ii) Copy form BB (notice to the occupier) under Schedule 6 of the Conveyancing and Feudal Reform (Scotland) Act 1970 ("the 1970 Act") dated 30 September 2022 and signed by the Applicant's solicitor.
- (iii) Extract decree for recovery of possession in favour of the Applicant in respect of the property by the Sheriff at Glasgow in terms of section 24 of the 1970 Act dated 10 June 2023.
- (iv) Notice to Leave addressed to the Respondent dated 26 February 2025 citing ground 2, and stating the date before which proceedings could not be raised to be 27 May 2025, together with proof of service by sheriff officer on behalf of the Applicant on 3 March 2025.
- (v) Copy notice under section 11 of the Homelessness etc. (Scotland) Act 2003 addressed to Glasgow City Council, together with proof of sending by email on 10 June 2025.

3. The application was accepted on 9 July 2025.

4. Notice of the case management discussion (CMD) scheduled for 4 November 2025, together with the application papers and guidance notes, was served on the Respondent by sheriff officer on behalf of the Tribunal on 25 September 2025. The Respondent was invited to submit written representations by 15 October 2025.

5. No written representations were received from the Respondent prior to the CMD.

The case management discussion

- 6. A CMD was held by teleconference call on 4 November 2025. Miss Chloe Imrie of Aberdein Considine Solicitors represented the Applicant.
- 7. The Respondent was not present or represented on the teleconference call. The Tribunal delayed the start of the CMD by 10 minutes, in case the Respondent had been detained. He did not join the teleconference call, however, and no telephone calls, messages or emails had been received from him.
- 8. The Tribunal was satisfied that the requirements of rule 17 (2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a case management discussion had been duly complied with. It therefore proceeded with the CMD in the absence of the Respondent.

Submissions on behalf of the Applicant

9. Miss Imrie asked the Tribunal to grant an eviction order. She told the Tribunal that Aberdeen Considine had been instructed by the Applicant to commence eviction proceedings in January 2025. Around that time, a letting agent called Apex Property Management had contacted Aberdeen Considine on behalf of the Respondent. They said that the Respondent and his partner were still living in the property with their two children who were aged 1 and 3.
10. Aberdeen Considine had heard nothing from or on behalf of the Respondent directly since then. They had tried to contact him to confirm whether he was still living in the property. They had instructed sheriff officers to visit the property to carry out occupancy checks on several occasions between May and October 2025. The sheriff officers had been unable to speak with the Respondent directly. The Respondent had called them on 30 October, confirming that he continued to reside at the property. He had told them that he had a solicitor, but would not confirm their details. Aberdeen Considine had not been contacted by a solicitor or any other representative on behalf of the Respondent since January 2025.
11. Miss Imrie said that the Applicant had not considered the possibility of selling the property with a sitting tenant, because it had a duty under section 25 of the 1970 Act to “advertise the sale [of the property] and to take all reasonable steps to ensure that the price at which ... [the property is] sold is the best that can be reasonably obtained”.
12. With regard to reasonableness, the Respondent had not provided any reasons why it would not be reasonable for the Tribunal to grant an eviction order. The Respondent had been given ample opportunity to engage with the Applicant but had failed to do so. He had been aware since September 2022 that the property would be repossessed by the Applicant. He had therefore had a significant period of time to find an alternative place to live.
13. Miss Imrie confirmed that the Applicant had no further information regarding the Respondent’s circumstances. The Applicant was unaware of whether the Respondent owed rent arrears or if there were any other issues arising from his tenancy, having had no contact with the landlord of the property since 2023.

Findings in fact

14. The Tribunal made the following findings in fact:

- There was a private residential tenancy in place between the landlord Mr Thomas Robert Simpson and the Respondent which commenced on 1 November 2019 (“the Tenancy”).
- Mr Simpson granted a standard security over the property in favour of the Applicant which was registered against the title to the property on 28 January 2008.
- On or around 30 September 2022, the Applicant issued a Calling Up Notice against Mr Simpson and sent a copy of the Notice and a Form BB to “the Occupier” of the Property.
- On 10 June 2023, the Sheriff at Glasgow granted a decree for recovery of possession in favour of the Applicant in respect of the property further to expiry of the Calling Up Notice.
- The Notice to Leave was validly served on the Respondent by sheriff officer on behalf of the Applicant on 26 February 2025.
- The Applicant wishes to sell the property with vacant possession in early course as it has a statutory duty in terms of section 25 of the 1970 Act to “advertise the sale [of the property] and to take all reasonable steps to ensure that the price at which ... [the property is] sold is the best that can be reasonably obtained”.
- The Respondent is currently living in the property with his partner and two young children.

Reasons for decision

15. The Tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties.
16. The Tribunal considered whether the legal requirements of Ground 2, as set out in Schedule 3 of the 2016 Act (as amended), had been met. Ground 2 states:

Property to be sold by lender

- (1) It is an eviction ground that a lender intends to sell the let property.
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
 - (a) the let property is subject to a heritable security,
 - (b) the creditor under that security is entitled to sell the property,

(c)the creditor requires the tenant to leave the property for the purpose of disposing of it with vacant possession, and

(d)the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

17. The Tribunal was satisfied on the basis of the evidence before it that the requirements of Ground 2 had been established by the Applicant. The Respondent had not disputed that the requirements for Ground 2 have been met.

Reasonableness

18. The Tribunal then considered whether it was reasonable to make an order for recovery of possession. In doing so, it took into account all of the circumstances of the case.
19. The Tribunal noted that the Applicant, as the holder of the heritable security over the property, is entitled to sell the property. The Applicant requires the Respondent to leave the property so that it can be sold with vacant possession. The Applicant has a statutory duty to “advertise the sale [of the property] and to take all reasonable steps to ensure that the price at which ... [the property is] sold is the best that can be reasonably obtained”.
20. The Applicant delayed making an application to the Tribunal for some time after obtaining a decree for repossession. The Applicant has made substantial efforts to contact the Respondent since commencing proceedings, but there has been little engagement from the Respondent.
21. The Tribunal noted that little information was available about the Respondent’s circumstances and to what extent, if any, he had made enquiries about alternative accommodation. The Respondent had been aware that the property was being repossessed for more than three years. It had now been more than 8 months since the Notice to Leave was sent.
22. The Tribunal was aware, however, that the Respondent has been living in the property for 6 years and is facing the loss of his home through no fault of his own. The Tribunal was also conscious that the Respondent’s two young children are living in the property with himself and his partner. The Respondent had not however opposed the application or made any written submissions to the Tribunal.
23. Having carefully considered all of the evidence and all of the circumstances of the case as set out above, the Tribunal considered that on balance it was reasonable to grant an eviction order. It gave particular weight to the Applicant’s rights and

duties as the heritable creditor of the property and to the lack of opposition from the Respondent, as well as the fact that he had been aware of the Applicant's intention to repossess and then sell the property for a significant period of time.

24. Before deciding to grant the order, the Tribunal had sought Miss Imrie's views on the possibility of delaying execution of the eviction order in terms of rule 16A of the 2017 rules, to give the Respondent more time to find suitable alternative accommodation. The Tribunal was conscious that the Respondent's young children are living in the property, and that if it made an eviction order which came into effect after the standard 30 day period, this would take effect in December 2025.
25. Miss Imrie said that the Applicant would not oppose any delay in execution for a few months, in light of the upcoming Christmas period.
26. The Tribunal considered that it would be reasonable in all the circumstances to delay execution of the order for two months until 6 February 2026.

Decision

27. The Tribunal granted an order in favour of the Applicant against the Respondent for recovery of possession of the property. The Tribunal delayed execution of the order until 6 February 2026.

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.

S.O'Neill

Legal Member/Chair

Date: 4 November 2025