



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/2428

Re: Property at 9 Happyhillock Road, Dundee, Angus, DD4 8NG (“the Property”)

Parties:

Bank of Scotland Plc, The Mound, Edinburgh, EH1 1YZ (“the Applicant”)

Ashley Kelbie, 9 Happyhillock Road, Dundee, Angus, DD4 8NG (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order subject to the provision that it may not be enforced until 27 February 2026.

Background

[2] The Applicant seeks an Eviction Order under ground 2 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced along with proof of the Property having been subject to a heritable security and the Applicant being entitled to sell the Property.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 27 November 2025. The Applicant was represented by Ms Masters, Solicitor. The Respondent was personally present together with her solicitor, Mr Marshall from Dundee Law Centre. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the parties. Mr Marshall had submitted representations setting out the Respondent's background circumstances. The Respondent wanted to leave the Property but wished to be allowed to remain in the Property until 27 February 2026. The Respondent has suffered the recent death of her husband and she lives alone with her young children. She is employed as a carer and would like more time to find another place to live.

[4] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Property is subject to a heritable security and the Applicant has been granted Decree to sell the Property.*
- 2) *The Applicant has competently served a notice to leave under ground 2 on the Respondent;*
- 3) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 4) *The Respondent wishes to leave the Property but wishes more time to organise her departure and to secure alternative accommodation for her and her children.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 2 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application and made an Eviction order but subject to the provision that it may not be enforced before 27 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.

Andrew
McLaughlin

Legal Member/Chair

27 November 2025
Date