



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

**Chamber Ref: FTS/HPC/EV/25/0189**

**Re: Property at 13 Fintry Drive, Dundee, Angus, DD4 9EB (“the Property”)**

**Parties:**

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

**Ms Dawn Kennedy, 13 Fintry Drive, Dundee, Angus, DD4 9EB (“the Respondent”)**

**Tribunal Members:**

**James Bauld (Legal Member), Ahsan Khan (Ordinary Member),**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted**

**Background and agreement between the parties**

1. This is an application for an eviction order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. A case management discussion took place on 30 July 2025 at which it was decided that the matter would be remitted to a hearing.
3. A hearing was set to take place on 14 January 2026 in Dundee.
4. By email dated 8 January 2026, the applicant's solicitor, Ms. Macdonald, Aberdeen Considine wrote to the tribunal advising that a joint position had been reached between the parties by which it was agreed that an eviction order should be granted. It was also agreed that the enforcement of the order

should be postponed for a period of four months plus thirty days from the date upon which the eviction order is granted.

5. The applicant's solicitor invited the tribunal to dispense with the need for a hearing and to issue an appropriate decision and order as agreed between the parties.
6. By email dated 12 January 2026 the respondent's solicitor Mr. Marshall from Dundee Law Centre confirmed that the respondent agreed with this proposed disposal and that he was content for the tribunal to proceed in accordance with the email from the applicant.
7. The tribunal is grateful to the parties' representatives for their assistance in resolving this matter.

### **Decision**

8. The tribunal having noted the agreement of the parties therefore grants the eviction order as sought by the applicant and will suspend enforcement of that order until 13 June 2026 as agreed between the parties.
9. An appropriate order will be issued to the parties.

### **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.**

**James Bauld**

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**Legal Member/Chair**

**14 January 2026**

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**Date**