

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/25/2527

Re: Property at 9B Fulton Crescent, Kilbarchan, PA10 2ED (“the Property”)

Parties:

TSB Bank Plc, Henry Duncan House, 120 George Street, Edinburgh, EH2 4LH (“the Applicant”)

Ms Tracey Kerr, 9B Fulton Crescent, Kilbarchan, PA10 2ED (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted against the respondent

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 30 October 2025.

The CMD took place by teleconference on 18 December 2025 at 2.00 pm. The applicant was represented by Mrs Masters Good of Aberdeen Considine Solicitors. The respondent did not participate in the hearing.

Findings and Reasons

The property is 9B Fulton Crescent, Kilbarchan PA10 2ED. The applicant is TSB Bank PLC who is the mortgage lender. The applicant obtained Decree for repossession on 13 August 2024 at Paisley Sheriff Court. The respondent is Ms Tracey Kerr who is the

tenant. Mr Craig Ferguson, the named landlord and heritable proprietor and Ms Kerr entered into a private residential tenancy which commenced on 4 November 2020.

The applicant relies upon ground 2 of schedule 3 to the 2016 Act. This specifies that it is an eviction ground where the mortgage lender intends to sell the let property. The notice period is 84 days. The notice to leave relied upon in this case is dated 26 February 2025 and stipulates that the earliest an application be submitted to the tribunal would be 27 May 2025. The notice to leave was served upon the respondent by Sheriff Officers on 3 March 2025. Sufficient statutory notice was given.

The tribunal was satisfied based on the unchallenged credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent instructed Renfrewshire Citizens Advice Bureau to assist her. They issued a letter dated 12 July 2024 confirming that the respondent is aware of the applicant's intentions and that she was seeking alternative accommodation and is keen to move on from the property. She has no opposition to the application. She has no dependants and no known disabilities or other vulnerabilities.

A relevant Section 11 notice has been issued to the relevant local authority. The respondents will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.



Legal Member/Chair

18 December 2025

Date