

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**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/25/3125**

**Re: Property at 1 Dashwood Cottages, Goods Lane, Newton Stewart, DG8 6EH (“the Property”)**

**Parties:**

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

**Aberdein Considine Solicitors, 18 Waterloo Street, Glasgow, G2 6DB (“the Applicant’s Representative”) and**

**Mr Stewart Gillon, 1 Dashwood Cottages, Goods Lane, Newton Stewart, DG8 6EH (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member**  
**J Heppenstall - Ordinary Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.**

**Background**

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. Bank of Scotland Plc’s Representative had provided the Tribunal, in the Application, with copies of the Decree, for possession and sale, granted in favour of the Applicant Bank of Scotland Plc at Stranraer Sheriff Court on 22<sup>nd</sup> November 2024, the Private Residential Tenancy Agreement (“the PRT”) in respect of the Property, the Notice to Leave served on the Respondent Mr Gillon and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notices intimated to Dumfries and

Galloway Council. All of these documents and forms had been correctly and validly prepared, and issued, in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Application papers and Guidance Notes had been served on Mr Gillon, personally, by Sheriff Officers on 11<sup>th</sup> November 2025.

### **Case Management Discussion**

4. A CMD proceeded by remote teleconference call at 2pm today, 20<sup>th</sup> November 2025. The Applicant's Representative's Ms K Macdonald and the Respondent Mr Gillon attended.
5. Ms Macdonald referred to the Application and stated that the Applicant Bank of Scotland Plc seek an order to enable them to recover vacant possession of, and sell, the Property. She stated that Bank of Scotland Plc do not intend to enforce the order if Mr Gillon is delayed in obtaining the social housing tenancy which has been allocated to him by Dumfries and Galloway Council. She said that Bank of Scotland Plc, through her office, will liaise with Mr Gillon to allow him time to move into his new accommodation.
6. Mr Gillon stated that a social housing tenancy has been allocated to him by Dumfries and Galloway Council. He said that he was due to be given the keys for his new home on 13<sup>th</sup> January 2026 but that his housing officer has told him that his entry date may be delayed by around two weeks. Mr Gillon stated that he will liaise with Ms Macdonald and keep her informed of developments regarding his departure from the Property and his move into new accommodation. Mr Gillon said that, in the circumstances, he has no objection to the grant of an eviction order.
7. Mr Gillon also said that he continues to pay rent, of £400.00 per month, in respect of the Property to the original letting agent. Ms Macdonald said that she will contact the letting agent in this regard.

### **Findings in Fact and Law and Reasons for Decision**

8. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
9. Schedule 3 (2) (1) of the 2016 Act provides that it is an eviction ground that a mortgage lender intends to sell the let property.
10. The Tribunal considered all of the Application papers, as well as the oral submissions of Ms Macdonald and Mr Gillon.
11. Having considered all of the evidence and the submissions of Ms Macdonald and Mr Gillon, the Tribunal finds in fact that Bank of Scotland Plc intends to sell the Property and requires to recover possession of the Property in order to do so. The Tribunal further finds in fact that the parties are agreed that an order for recovery

of possession should be granted in favour of Bank of Scotland Plc. The Tribunal finds in law that the ground in Schedule 3 (2) (1) of the 2016 Act is met and determines that it is reasonable that an eviction order be granted.

### **Decision**

12. The Tribunal therefore makes an eviction order as sought in this Application.

### **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.**

**G McWilliams**

**9<sup>th</sup> January 2026**

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**Tribunal Legal Member**

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**Date**