

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Schedule 5 Ground 2 of the Housing (Scotland) Act 1988.**

Reference number: FTS/HPC/EV/25/1083

Property: 63 Parkville Drive, Blantyre, Lanarkshire, G72 0LQ

Parties:

Topaz Finance Limited trading as Hyalite Mortgages, a company incorporated under the Companies Acts and having their registered office at The Pavilions, Bridgwater Road, Bristol, BS13 8AE  
("the Applicant")

Angela Collie, residing at 63 Parkville Drive, Blantyre, Lanarkshire, G72 0LQ  
("the Respondent")

**Tribunal Members:**

**Paul Doyle (Legal Member)**  
**Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of Schedule 5 Ground 2 of the Housing (Scotland) Act 1988.**

**Background**

1. The Applicant sought recovery of possession of the Property in terms of Schedule 5 Ground 2 of the Housing (Scotland) Act 1988 ("the 1988 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy

Agreement, a Notice to Quit (served on 25 October 2024), together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal, together with an extract decree from Hamilton Sheriff Court dated 30 August 2023, which shows that the applicant is heritable creditor in possession of the Property.

### **Case Management Discussion**

2. A case management discussion took place by telephone conference at 2.00pm on 14 August 2025. The Applicant was represented by Mr M Oswald of TLT LLP. The Respondent was represented by Ms L Agyako of Carty's, solicitors. The respondent opposed the application. The case was continued to an evidential hearing to take place at 10am on 9 February 2026.

3. On 24/10/2025 the respondent lodged written answers. Her position was

(a) The notice to Quit is defective

(b) It is not reasonable to grant an order for repossession.

### **Evidential hearing**

4. An evidential hearing took place by telephone conference at 10.00pm on 9 February 2026. The Applicant was represented by Mr M Oswald of TLT LLP. The Respondent was represented by Ms J Hunter of Carty's, solicitors.

5. At the evidential hearing, the respondent withdrew her opposition to the application. Of consent, we were asked to grant the application.

### **Reasons for the Decision**

6. The Tribunal determined to make an Order for possession of the Property in terms of Schedule 5 Ground 2 of the Housing (Scotland) Act 1988. The basis for possession set out in Schedule 5 Ground 2 of the Housing (Scotland) Act 1988 is established. The respondent withdraws her resistance to the application and now consents to the order. For these reasons, the Tribunal determined to grant an Order for possession.

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of Schedule 5 Ground 2 of the Housing (Scotland) Act 1988.**

## **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

# **P. Doyle**

**Legal member**

**Date: 9<sup>th</sup> February 2026**