



**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/25/3111

**Re: Property at 10 Whitecraig Gardens, East Whitecraig, Musselburgh,
Midlothian, EH21 8PL ("the Property")**

Parties:

Bank of Scotland PLC, The Mound, Edinburgh, EH1 1YZ ("the Applicant")

**Mr Colin Stewart, 10 Whitecraig Gardens, East Whitecraig, Musselburgh,
Midlothian, EH21 8PL ("the Respondent")**

Tribunal Members:

Gabrielle Miller (Legal Member) and Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the order for recovery and possession should be granted in favour of the Applicant. The Order is superseded for 3 months until 22nd April 2026.

Background

1. An application was received by the Housing and Property Chamber dated 17th March 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations"). The application was based on ground 2 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 25th November 2025, all parties were written to with the date for the Case Management Discussion ("CMD") of 22nd January 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 16th December 2025.

3. On 26th November 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 26th November 2025.

The Case Management Discussion

4. A CMD was held on 22nd January 2026 at 2pm by teleconferencing. The Applicant not present but was represented by Mrs Eleanor Hamilton, Solicitor, Aberdien Considine. The Respondents was present and represented himself.
5. Mrs Hamilton said that the Applicant was seeking an eviction order.
6. The Respondent said that he was not opposed to an order being granted. He said that he understood that his landlord had not paid the mortgage and now the mortgage company wanted to repossess the Property to sell it. He is registered with his local authority housing department. He is also registered with their homeless department. He is to advise them once an order has been granted. He may get allocated sheltered housing as he has health conditions which may warrant an allocation of sheltered housing.
7. Mrs Hamilton said that taking into light the Respondent's health conditions, she would not oppose the Order being superseded for three months to allow for the Respondent's housing applications to be further considered. The Respondent said that three months would help him to do this.
8. Mrs Hamilton said that her firm had not been able to locate a copy of the PRT but the Respondent had worked cooperatively with them and given them a copy of a banks statement showing the payments of rent. The Respondent confirmed that the lease started on 15th March 2023 with a rent charge of £650 per month. He has not paid since December 2024 as he had discussed it with a colleague of Mrs Hamilton who said that he did not need to pay. Mrs Hamilton had noted this but that it was not correct that he was not to pay but rather that he was not to pay the bank. She will look to make sure that the correct information is given out going forward. This was not the focus point for the Applicant seeking an order for eviction. Mrs Hamilton confirmed that while there was no section 11 notice attached in the papers that it had been lodged with the email to the local authority. It was indeed the document attached in that email.
9. The Tribunal was satisfied that it was reasonable to grant an order for eviction with the Order superseded for three months until 22nd April 2026.

Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 15th March 2023.
11. A court order for the repossession of the Property was granted on 3rd October 2024. It is the intention of the mortgage provider to sell the Property to recoup outstanding debts.

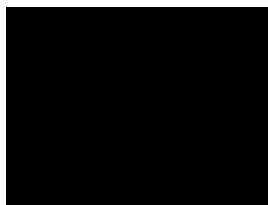
12. The granting of an order is not opposed. The Respondent is not seeking to be allocated alternative accommodation by his local authority.
13. There are no issues of reasonableness that prevent an order from being granted.

Decision

14. The Tribunal found that ground 2 has been established and granted an order in favour of the Applicant.

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.



22nd January 2026

Legal Member/Chair

Date