



**Decision 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/25/3237**

**Re: Property at Flat 1/R (Otherwise Flat 1/3), 182 Calder Street, Glasgow, G42 7QR (“the Property”)**

**Parties:**

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

**Mr Marco Covaci, Mrs Violeta Pecican, Flat 1/R (Otherwise Flat 1/3), 182 Calder Street, Glasgow, G42 7QR (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Mary Lyden (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determined that the order for recovery and possession should be granted in favour of the Applicant with the extract superseded until 15<sup>th</sup> April 2026.**

**Background**

1. An application was received by the Housing and Property Chamber dated 29<sup>th</sup> July 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 12<sup>th</sup> August 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 14<sup>th</sup> January 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 2<sup>nd</sup> September 2025.

3. On 13<sup>th</sup> August 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 13<sup>th</sup> August 2025.

### The Case Management Discussion

4. A CMD was held on 22<sup>nd</sup> September 2025 at 10am by teleconferencing. The Applicant not present but was represented by Mrs Ellen Masters Good, Senior Associate Solicitor, Aberdein Considine. The Respondents were not present but were represented by Mr Angus McIntosh, Solicitor, Castlemilk Law and Advice Centre.
5. Mrs Masters Good said that the Applicant still wished to sell the Property.
6. Mr McIntosh said that the granting of an order was not opposed. Though we motioned for the order to be superseded for five months to allow time for the Respondents to find alternative accommodation in the private sector. He said that it is unlikely that they will be rehoused by their local authority due to the local authority being in a housing crisis. His experience is that the local authority is not able to rehouse people even once an order for eviction has been granted.
7. Mr McIntosh said that the Second Named Respondent has ongoing medical issues. She is also susceptible to the cold which makes her conditions worse. She needs to find appropriate alternative accommodation for her and her son. She is only able to leave her house with her son who is the First Named Respondent. The First Named Respondent is working in a factory but is not earning much so be entitled to Universal Credit. The Second Named Respondent is in receipt of Universal Credit. Mr McIntosh said that they do not anticipate being able to obtain a new property at a similar price. He said that it might take up to five months for the Respondents to find new suitable accommodation. Mrs Masters Good said that her first position was to ask for an order with normal time limits. Her second position was to allow a three month supersession for the extract of the Order.
8. It was noted that that the lease stated the landlord was different from the owner of the Property who has had the decree granted against him. It is accepted by both parties that this is a PRT. Mrs Masters Good said that the Applicant accepted the PRT status to protect the Respondents as they then have the protection of having time of as set out by the Tribunal application process. Mr McIntosh was in agreement. The Tribunal was content to accept this position given both parties were in agreement and that it gave the Respondents some protection.
9. The Tribunal was satisfied that it was reasonable to grant an order for eviction with the Order superseded for three months until 15<sup>th</sup> April 2026. It did not consider that it was appropriate or reasonable to supersede beyond that point. The Tribunal noted that the Respondents had moved in less than a year ago and an explanation why it would take longer than three months was not

sufficient given that no rent is being paid to the owner of the Property or the Applicant currently.

#### Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced on 12<sup>th</sup> March 2025. It was mistakenly listed as an assured tenancy but is in fact a Private Rented Tenancy and does not require to be written as stated in Section 3 of the Private Housing (Tenancies)(Scotland) Act 2016
11. A court order for the repossession of the Property was granted on 5<sup>th</sup> January 2023. It is the intention of the mortgage provider to sell the Property to recoup outstanding debts.
12. The Second Named Respondent has medical conditions which require her to closely look to what accommodation she can live in before moving. This may take longer than the standard appeal period of 30 days.
13. The Respondents are looking to be rehoused primarily in the private sector due to the oversubscribed nature of homeless housing within their local authority.
14. The granting of an order is not opposed.
15. There are no issues of reasonableness that prevent an order from being granted.

#### Decision

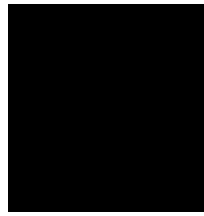
16. The Tribunal found that ground 2 has been established and granted an order in favour of the Applicant. The Order is superseded until 15<sup>th</sup> April 2026.

#### **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**



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

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**Legal Member/Chair**

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**Date**