



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/25/3645

Re: Property at 20A Justice Mill Brae, Aberdeen, AB11 6EY (“the Property”)

Parties:

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

Ms Amanda Henderson, 20A Justice Mill Brae, Aberdeen, AB11 6EY (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

At the Case Management Discussion (“CMD”) which took place by telephone conference on 19 February 2026, the Applicant was represented by Miss Georgia Mullen of Aberdeen Considine. The Respondent was also present.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that -

Background

The Tribunal noted the following background:-

- i. The application concerns a Private Residential Tenancy (“the PRT”) entered into between Lee Thomas Scarrott and the Respondent relative to the Property that commenced on 1 September 2022.
- ii. By Decree of the Sheriff at Aberdeen Sheriff Court dated 16 January 2025, which Decree was extracted on 31 January 2025, the Applicant is (amongst other things) entitled to sell the Property and enter into possession thereof in terms of the Conveyancing & Feudal Reform (Scotland) Act 1970.
- iii. On 15 May 2025, the Applicant per its agents served on the Respondent by Sheriff Officer a Notice to Leave requiring the Respondent remove from the Property by 8 August 2025 on the basis of Ground 2 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”).
- iv. The Applicant per its agents has served on Aberdeen City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

In the absence of any written submissions the Tribunal first sought to understand the Respondent's position. In response to questions from the Tribunal the Respondent stated:-

- i. She lives in the Property alone and is 63 years of age.
- ii. She is unemployed and in receipt of Universal Credit.
- iii. The Property has 2 bedrooms.
- iv. The Property is not adapted.
- v. She has been looking for alternative accommodation of similar size and has registered with housing associations and Aberdeen City Council. The housing associations have advised that as she has accrued no points she is at the bottom of their housing lists and the Council has advised that it will not put the Respondent on its emergency housing list until an eviction order is granted.
- vi. She has been looking for a private let. She viewed a suitable property last week. That property is empty other than some furniture to be removed and a handyman was doing repairs at that time. She has been offered a tenancy of that property and is waiting to hear about a moving in date. She will need to time to pack and remove.
- vii. She does not want emergency accommodation from the Council which would be furnished meaning that she has to put her own furniture into storage which she cannot afford.
- viii. The Council has not given any indication as to when any permanent accommodation might be allocated.
- ix. If the private let referred to above does not come to fruition the Respondent will keep searching for a property to rent.

Miss Mullen for the Applicant made the following oral submissions:-

- i. She asked for an eviction order to be granted.
- ii. There has been some contact with the Respondent during which she confirmed her occupation of the Property and sent a copy of the PRT.
- iii. Whilst the Applicant's position is that there should be no delay associated with the grant of an eviction order, it would have no issues with the suspension of an order for a couple of months.
- iv. The Applicant would not expect the respondent to give formal notice of her intention to remove from the Property, rather it would just need notified of her move out date.

The Tribunal adjourned to consider the position.

Findings in Fact

- i. Lee Thomas Scarrott and the Respondent previously entered into the PRT relative to the Property that commenced on 1 September 2022.
- ii. By Decree of the Sheriff at Aberdeen Sheriff Court dated 16 January 2025, which Decree was extracted on 31 January 2025, the Applicant is entitled to sell the Property and enter into possession thereof in terms of the Conveyancing & Feudal Reform (Scotland) Act 1970.
- iii. On 15 May 2025, the Applicant per its agents served on the Respondent by Sheriff Officer a Notice to Leave requiring the Respondent remove from the Property by 8 August 2025 on the basis of Ground 2 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").

- iv. The Applicant per its agents has served on Aberdeen City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- v. The Respondent lives in the Property alone and is 63 years of age.
- vi. The Respondent is unemployed and in receipt of Universal Credit.
- vii. The Property has 2 bedrooms.
- viii. The Property is not adapted.
- ix. The Respondent has been looking for alternative accommodation of similar size and has registered with housing associations and Aberdeen City Council. The housing associations have advised that as she has accrued no points she is at the bottom of their housing lists and the Council has advised that it will not put the Respondent on its emergency housing list until an eviction order is granted.
- x. The Respondent has been looking for a private let. She viewed a suitable property last week. That property is empty other than some furniture to be removed and a handyman was doing repairs at that time. She has been offered a tenancy of that property and is waiting to hear about a moving in date. She will need time to pack and remove.
- xi. She does not want emergency accommodation from the Council which would be furnished meaning that she has to put her own furniture into storage which she cannot afford.
- xii. The Council has not given any indication as to when any permanent accommodation might be allocated.
- xiii. If the private let referred to above does not come to fruition the Respondent will keep searching for a property to rent.

Reasons for Decision

There were no matters of factual dispute between the parties. The Respondent did not oppose the grant of an eviction order. Rather she had taken appropriate steps to find alternative accommodation in the public and private sectors and had recently secured an offer of a private let of a flat that appears almost ready for occupation and relative to which she awaits a move in date. She requires time to finalise those arrangements and pack and relocate. These arrangements appeared well advanced and fairly certain.

The application proceeds on Ground 2 of Schedule 3 of the 2016 Act which states -

"2 Property to be sold by lender

(1) It is an eviction ground that a lender intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the let property is subject to a heritable security,

(b) the creditor under that security is entitled to sell the property,

(c) the creditor requires the tenant to leave the property for the purpose of disposing of it with vacant possession, and

(d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts."

The Applicant is a lender in terms of sub-paragraph (1). The Property is subject to a heritable security in favour of the Applicant. The Applicant is entitled to sell the Property and requires vacant possession of the Property for the purposes of disposing of it with vacant possession.

Having regard to the Respondent's circumstances and her efforts to secure alternative accommodation the Tribunal considered it reasonable to grant an eviction order in terms of sub-paragraph (2)(d).

Having reached the decision to grant an eviction order the Tribunal carefully considered whether to delay the execution of the eviction order in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017.

The Tribunal concluded that (i) having regard to the Respondent's circumstances and the efforts she is making to secure alternative housing both in the private and public sectors, and (ii) that there is no real urgency for the Applicant to sell the Property, it is reasonable to provide the Respondent with an extended period of time to obtain and remove to alternative accommodation. Accordingly, the Tribunal determined that the enforcement of the eviction order should be suspended until 12noon on 20 April 2026.

Decision

The Tribunal granted an eviction order against the Respondent in favour of the Applicant with execution of that order delayed until 12noon on 20 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.

Gillian Buchanan

Legal Member/Chair

5 March 2026

Date