



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/4163

Re: Property at 35 Balloch Road, Shotts, Lanarkshire, ML7 4HL (“the Property”)

Parties:

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

Miss Karen Donnachie, 35 Balloch Road, Shotts, Lanarkshire, ML7 4HL (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr G Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 2. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties that commenced on 21st August 2018, a copy notice to leave with evidence of service, a copy section 11 notice with evidence of service, and copy Extract Decree dated 25th March 2025.
2. By emails dated 20th March 2026, representatives of both parties confirmed a settled position following discussion.

The Case Management Discussion

3. A Case Management Discussion took place by telephone conference on 23rd March 2026. Ms Mullen, Trainee Solicitor, attended on behalf of the Applicant. The Respondent was in attendance and represented by Mr Kirk, Advocacy Worker.

4. Ms Mullen said a notice to leave had been served upon the Respondent on 25th June 2025, expiring on 18th September 2025. Following discussion, parties had agreed that the order should be granted with enforcement superseded for two months. This would assist the Respondent in securing social housing.
5. Mr Kirk confirmed the Respondent's position. The Respondent has been working with the CAB and is in discussion with the local authority. It is hoped the Respondent can be accommodated from the general housing list without going down the homelessness route, to avoid temporary accommodation, particularly as the Respondent has a pet dog. The Respondent confirmed she has certain health conditions. These have been taken into account by the local authority, and she has been awarded maximum health points. The Respondent has been made aware that housing resources are low. Mr Kirk said the Respondent had been hoping the order would be superseded for two to three months, but two months had been agreed between the parties.

Findings in Fact and Law

6.
 - i. The Property is subject to a standard security granted by the heritable proprietor in favour of the Applicant as registered in the Land Register on 24th May 2011.
 - ii. The Respondent and the heritable proprietor of the Property entered into a private residential tenancy agreement commencing on 21st August 2018.
 - iii. The Applicant obtained Decree for Repossession of the Property on 25th March 2025.
 - iv. The Applicant intends to sell the Property.
 - v. The Applicant is entitled to sell the Property.
 - vi. The Applicant requires the Respondent to leave the Property for the purpose of disposing of it with vacant possession.
 - vii. The Applicant has served a notice to leave on the Respondent.
 - viii. It is reasonable to grant an order for possession.
 - ix. It is reasonable to delay execution of the order for possession to 1st June 2026.

Reasons for Decision

7. Ground 2 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that it is an eviction ground that a lender intends to sell the let

property. The Tribunal may find the ground applies if the let property is subject to a heritable security, the creditor under the security is entitled to sell the let property, the creditor requires the tenant to leave the property for the purpose of disposing of it with vacant possession, and the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts. The Tribunal is satisfied that the ground is met.

8. The Tribunal considered all the circumstances of both parties when considering whether it was reasonable to grant the order.
9. The Tribunal noted the Applicant is entitled to sell the Property.
10. The Tribunal noted that the Respondent was not opposed to the granting of the order, but required further time to allow her to be provided with social housing.
11. In all the circumstances, the Tribunal considered it was reasonable to grant the order for possession.
12. The Tribunal took into account that agreement had been reached between the parties in respect of superseding enforcement of the eviction order. The Tribunal considered it would be reasonable to allow enforcement of the eviction order to be superseded to 1st June 2026.

Decision

13. An eviction order is granted. The order is not to be executed prior to 12 noon on 1st June 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.

Helen Forbes

Legal Member/Chair

23rd March 2026
Date