



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/5482

Re: Property at 49 Morar Street, Methil Leven, Fife, KY8 3JA (“the Property”)

Parties:

UCB Home Loans Corporation Limited, Nationwide House Pipers Way, Swindon, Wiltshire, SN38 1NW (“the Applicant”)

Mr Paul Hanafin, Ms Chloe Hamilton, 49 Morar Street, Methil Leven, Fife, KY8 3JA (“the Respondents”)

Tribunal Members:

Susan Christie (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Second Named Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondents in favour of the Applicant, with the Order not to be executed prior to 12 noon on 20 July 2026.

Background

1. The Applicants agent lodged an application for an eviction order in terms of section 51 and Ground 2 of the Act on 19 December 2025. It was accepted by a legal member of the First-Tier Tribunal with delegated powers to do so on 26 January 2026.
2. Along with the application there was lodged the private residential tenancy agreement (“PRT”), Notice to Leave with evidence of service, a section 11 Notice to Fife Council with evidence of service, an extract decree in favour of the Applicant dated 29 April 2025, and a Form BB ‘Notice to Occupier’.
3. A copy of the application and paperwork was served on both Respondents by Sheriff Officer service on 22 April 2026 and the Parties were notified that a Case Management Discussion (“CMD”) would take place by conference call on 20 May 2026 at 10 a.m.
4. No written responses were submitted to the tribunal by the Respondents.

Summary of the Case Management Discussion

1. The CMD took place on 20 May 2026 starting slightly later than its assigned time of 10am (due to technical issues). The Applicant was represented by Miss Macdonald, solicitor. The First Named Respondent participated. The tribunal was satisfied that proper intimation of the CMD had been given to the Second Named Respondent and proceeded in her absence. The First Named Respondent indicated that the Respondents had separated, and he could not speak for the Second Named Respondent in this application.
2. The documents lodged in support of the application were discussed.
3. Miss Macdonald asked the tribunal to grant an eviction Order. Decree for recovery had been granted on 15 April 2025 which gave the Applicant warrant to sell the Property with vacant possession. A Notice to Leave had been served on the Respondents with a live date of 5 December 2025. Before that a Form BB 'Notice to the Occupiers' had been served around 3 October 2024. There had been direct contact with the First Named Respondent, and he had advised he was on the local Council waiting list for housing. There had been earlier discussions around him paying the mortgage but that did not occur as there was no opportunities then to allow that to happen. The mortgage customer had not been in contact recently, and it was generally understood that a larger portfolio was being repossessed including this Property.
4. The First Named Respondent appreciated that there is a need to vacate and made no objection to the recovery sought. He had taken steps to always engage with the local authority when he had received paperwork to keep them updated. He was on the local housing register, applying for housing in his own right. He had been advised that he is 'adequately housed' with no immediate urgency until a decision is made. He would not progress to priority for immediate housing until he has paperwork with the decision to show to the local authority. He had looked to the private sector in addition, but due to restrictions on budget and his search field being narrow it was not feasible. He has a medical condition but does not require any specialist adaptations to housing. He would be seeking a two bedroomed property as he shared 50/50 care over his child.
5. The tribunal explored the views of both Parties around the timing of the enforcement of an Order, if granted. The Applicant's primary view was for the usual timescales but would agree to an extension up to 3 months. The First Named Respondent thought he would benefit from an extension to allow him to clear it and leave it in order.
6. The tribunal adjourned for a short time to consider their decision then reconvened and agreed the Order's final terms with those present.

Findings in Fact

5. There is a private residential tenancy between the Respondents and one of the original mortgage customers of the Applicant, with a start date of 14 January 2022.
6. The then mortgage customers owned the Property from 15 June 2007.

7. The mortgage customers had granted a standard security over the Property in favour of the Applicant.
8. Notice to the Respondents as occupiers was served around 31 July 2024 intimating that the said standard security was being called up by the Applicant.
9. On 29 April 2025 at Kirkaldy Sheriff Court a decree was granted against the Respondent for recovery of possession following on from a Calling up Notice, entitling the Applicant to lawful possession to the Property; to sell it; and ordained any persons occupying it to vacate, granting warrant for their summary ejection.
10. The Applicant is entitled to sell the Property.
11. The Applicant served a Notice to Quit on the Respondents under Ground 2 of Schedule 3 to the Act.
12. A section 11 Notice in terms of the Homelessness Etc. (Scotland) Act 2003 was served on the relevant local authority.
13. The Applicant wishes to sell the Property on the open market, with vacant possession.
14. The First Named Respondent has applied for local authority housing.
15. The Second Named Respondent's plans are unknown to the tribunal.

Reasons for Decision

16. The tribunal was satisfied that intimation of the CMD had been made on the Second Named Respondent as evidenced by the Sheriff Officer's Certificates of Service and proceeded in her absence.
17. The tribunal considered that having heard from the Parties present that there was sufficient material before it, mostly undisputed, to decide; and that it would not be contrary to the interests of the Parties.
18. The tribunal was satisfied on the written documentation, that the legal requirements to establish Ground 2 of Schedule 3 of the Act were met namely; the let property is subject to a heritable security; the creditor under that security is entitled to sell it; and the creditor requires the Respondents to leave the Property for the purposes of disposing of it with vacant possession.
19. The Ground for recovery was undisputed.
20. The tribunal then considered whether it was reasonable to grant the Order.
21. The tribunal had regard to the grant of a decree that affirmed the Applicant had called up the standard security. That the Applicant is entitled to sell the Property at a price that is as best as can reasonably be obtained under the Conveyancing and Feudal Reform (Scotland) Act 1970 and is entitled to vacant possession for that purpose.
22. The tribunal noted that the first Notice to the Occupier was served around 31 July 2024.
23. The tribunal was advised that the First Named Respondent had no issue with the Ground for recovery as such and had applied to the local authority for accommodation. He was on the local housing register awaiting being re-housed. He had been advised that this process would not be accelerated until such times as the outcome of this application was determined. He had been in regular contact with the local authority every time he had received paperwork. He would advise them of the outcome. He was in between a category of lack

of housing security and being at risk of homelessness. He had shared care of his child to consider and required a two bedroom property. He had a medical condition but did not require specialist adaptations to any housing. He had also made enquiry in the private sector but his budget and required location meant that was not the best option.

24. Before deciding, the tribunal had enquired as to the Parties views on the timing of enforcement of any Order made. The Applicant's agent sought principally no delay in execution but equally took no issue if the tribunal decided to an extension of no more than 3 months. The First Named Respondent indicated that an extension would be helpful to allow for packing up and leaving the Property in order.
25. The tribunal concluded that it would be reasonable to grant the order for eviction and afforded further time before enforcement, as is reflected in the Decision, to 20 July 2026.
26. The decision of the tribunal is unanimous.

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.

Susan Christie

Legal Member/Chair

20 May 2026
Date