



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

**Chamber Ref: FTS/HPC/EV/25/5485**

**Re: Property at 0/1 11 Lang Street, Paisley, Renfrewshire, PA1 1PQ (“the  
Property”)**

**Parties:**

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

**Mr Billy B Makuwe, 0/1 11 Lang Street, Paisley, Renfrewshire, PA1 1PQ (“the  
Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Applicant is entitled to the Order sought for  
recovery of possession of the property. The Tribunal ordered a delay in the  
execution of an eviction order until 26 October 2026, in terms of Rule 16A (d) of  
the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure)  
Regulations 2017.**

**Background**

- 1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.**
- 2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).**

3. Letters were issued on 27 May 2026 informing both parties that a CMD had been assigned for 26 June 2026 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 17 June 2026.
4. On 16 and 23 June 2026, the Respondent sent emails to the Tribunal attaching written representations.

### **The case management discussion – 26 June 2026**

5. The CMD took place by conference call. The Applicant was represented by Miss Katie Macdonald, solicitor and the Respondent represented himself. The Tribunal explained the purpose of the CMD.
6. The Tribunal noted that the Respondent did not oppose the application. The written representations explained the Respondent's personal circumstances. The Respondent has been unsuccessful in securing alternative accommodation. He sought a delay in the execution of any order by an additional period of 4 to 6 months.
7. The Applicant's representative did not have instructions on the specific period sought by the Respondent in relation to a delay in execution of an order but confirmed that standing instructions are not to object to the motion for a delay in the execution of any order by an additional period of 3 months.
8. The Tribunal adjourned briefly to allow the members to discuss matters in light of the information provided. When the CMD was reconvened, the Tribunal explained that it found the ground of eviction established and found that it is reasonable to grant an order for eviction. The parties were advised that the Tribunal was persuaded to exercise its discretion in terms of Rule 16A to delay the execution of the order by an additional period of 4 months.

### **Findings in Fact**

9. Ian Reeves Tennie is the owner and landlord, and the Respondent is the tenant, of the Property under an private residential tenancy, which commenced on 15 November 2021.
10. The Property is subject to a standard security granted by Ian Reeves Tennie to Bank of Scotland Plc which was registered in the Land Register of Scotland under title number REN74409 on 5 February 2008.
11. Clause 13 of the tenancy agreement gave notice to the Respondent that the Property is subject to a standard security which was granted before the creation of the tenancy agreement

12. On 6 May 2025 the Applicant obtained a decree from Paisley Sheriff Court against Ian Reeves Tennie. The decree entitles the Applicant to enter into possession and sell the Property.
13. On 26 August 2025 the Applicant served a notice to leave on the Respondent by sheriff officers.
14. The Applicant has given the local authority notice under section 11 of the Homelessness etc (Scotland) Act 2003.
15. The Applicant intends to sell the property. The Applicant requires to sell the property with vacant possession in order to obtain the maximum sale price to repay the outstanding mortgage. A sale with the Respondent in situ would damage the marketability of the property.

### **Reason for Decision**

16. In accordance with Rule 17(4) of the Rules, the Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
17. The Applicant relied upon ground 2 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 as the ground for possession in this case. The Tribunal therefore considered the wording of ground 2:-

- (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 subparagraph (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.*

18. The supporting papers lodged by the Applicant disclose that the Applicant has obtained a decree from Paisley Sheriff Court, which found and declared there was a standard security over the Property and that the Applicant is entitled to enforce that. The decree confirmed that the Applicant has the right to enter into possession and sell the property. The Applicant requires vacant possession in order to do so. The Applicant needs to sell the Property in order to redeem or reduce the outstanding mortgage. A sale with vacant possession would attract the maximum possible sale price. Selling with the Respondent as a sitting tenant would limit the marketability of the Property. Based on its findings in fact,

the Tribunal was satisfied that paragraphs 2(a) (b) and (c) were met. The Tribunal therefore went on to consider whether it would be reasonable to issue an eviction order.

19. The Respondent did not oppose the application. He has been looking for alternative accommodation in the same area but has been unsuccessful in securing accommodation. The Tribunal accepted that the Applicant has a duty to ensure the best possible sale price so that the mortgage debt could be repaid. This was a credible explanation for the action they had taken.

20. The Tribunal therefore concluded that eviction ground 2 is established and it is reasonable in all the circumstances for an eviction order to be granted. The Respondent has not yet secured alternative accommodation and he sought a delay in the execution of an order for a period of 4 to 6 months. Having heard from the parties, the Tribunal considered that 4 months is a reasonable period. The Tribunal exercised its discretion in terms of Rule 16A (d) of the Rules and ordered a delay in execution of the eviction order by a period of 4 months.

### **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.**

# Nicola Irvine

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**Legal Member/Chair**

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**26 June 2026**

**Date**