



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/26/0546

Re: Property at 37 Hillside Road, Glasgow, G43 1DB (“the Property”)

Parties:

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

Mr Alejandro Palazon Urtubi, 37 Hillside Road, Glasgow, G43 1DB (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. On 4th February 2026 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 2 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Tenancy Agreement showing a commencement date of 1st August 2023 and a rent of £600 per four weeks;
 - ii. Form BB
 - iii. Decree from Glasgow Sheriff Court dated 29th May 2025 granting the Applicant the right to repossess the property;
 - iv. Copy Notice to Leave dated 3rd October 2025;
 - v. Sheriff Officer intimation of service dated 8th October 2025 serving the Notice to Leave;

- vi. Section 11 Notice and proof of service.
- 3. The Application was served on the Respondent by Sheriff Officers on 6th July 2026.
- 4. On 22nd July 2026 the Respondent lodged a Written Submission stating that he was looking to buy a property and asking for some more time to do so.

Case Management Discussion

- 5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mrs Masters Good of Aberdeen Considine, Solicitors. The Respondent represented himself.
- 6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
- 7. Mrs Masters Good sought an order for eviction in terms of ground 2 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. She said that in light of the Respondent's Written Submission, although the primary position was immediate eviction, her client would agree to extract of the order being superseded by up to three months.
- 8. The Respondent said that he has had an offer accepted on a property and that he also has a mortgage in principle agreed. He thought three months would be a reasonable time for him to finalise the purchase.

Findings in Fact

- a. The Respondent entered into a Private Residential Tenancy Agreement with Jawaide Saleem and Hamid Saleem in respect of the property;
- b. The tenancy commenced on 1st August 2023;
- c. On 29th May 2025 the Applicant was granted an order for possession of the property at Glasgow Sheriff Court;
- d. A Notice To Leave, dated 3rd October 2025, was served timeously and correctly;
- e. A section 11 notice was served on the local authority;
- f. The Application was served on the Respondent by Sheriff Officer on 6th July 2026;
- g. The Respondent has had an offer accepted on a property;
- h. The Respondent has agreement in principle for a mortgage.

Reasons for Decision

- 9. Ground 2 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 states as follows:

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 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.

10. The Applicant has followed the correct procedure to establish the Ground.

The Tribunal considers it is reasonable to grant the eviction order as the Respondent is not opposed to it and is purchasing a property. The Tribunal also considers it is reasonable to delay extract of the order by three months to allow the Respondent to complete the purchase.

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.

Alison Kelly

10th August 2026

Legal Member/Chair

Date