



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/26/0999

Re: Property at 37 Hunter Drive, Irvine, Ayrshire, KA12 9AX (“the Property”)

Parties:

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

Kaylie Moore, 37 Hunter Drive, Irvine, Ayrshire, KA12 9AX (“the Respondent”)

Tribunal Members:

Anne Mathie (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

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

Background

1. An application was lodged with the Tribunal dated 3 March 2026 in terms of Rule 109 of the Chamber Rules, being an application for a Private Residential Tenancy Eviction Order. Along with the application form were lodged the following:
 - Copy decree dated 16 July 2025
 - Copy Notice to Leave and Sheriff Officer Executions;
 - Copy tenancy agreement;
 - Copy section 11 Notice to local authority and copy form BB to tenant.
2. The application was accepted and assigned to a case management discussion today.

3. Details of the application and the case management discussion were served on the respondent by Sheriff Officers. The Respondent was advised in the correspondence to lodge written representations by 19 August 2026.
4. The Tribunal received an email from the Respondent's representative dated 21 August 2026 advising that the Respondent did not oppose the application.

Case Management Discussion

5. The case management discussion took place by teleconference today. The case management discussion was delayed for a time due to technical difficulties. Mrs Master Good of Aberdeen Considine attended on behalf of the Applicant and Mr Meek attended on behalf of the Respondent. For the Applicant, Mrs Master Good moved for the application to be granted. A decree of possession had been granted by the Sheriff Court in July 2025 and the proper procedure had been followed in terms of notifying the Respondent of the position. For the Respondent, Mr Meek confirmed he did not oppose the application and advised that his client was struggling to get priority status for a new tenancy.

Findings in Fact

6. The following findings in fact were made:
 - the Respondent entered into a Private Residential Tenancy Agreement with Jane Griffith in respect of the Property;
 - the tenancy commenced on 23 January 2025;
 - on 16 July 2025 the Applicant was granted an order for possession of the Property at Kilmarnock Sheriff Court;
 - a Notice to Leave, dated 9 October 2025 was served timeously and correctly;
 - a section 11 Notice was served on the local authority;

Reasons for Decision

7. 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."*

8. The elements of Ground 2 of Schedule 3 were found to be met and the Respondent did not oppose the granting of the order.

Decision

9. The application for eviction is granted.

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.

Anne Mathie

4 September 2026

Legal Member/Chair

Date
