

Housing and Property Chamber
First-tier Tribunal for Scotland



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/26/0775

Re: Property at 5 Lorne Street, Dundee, DD2 3QS (“the Property”)

Parties:

The Royal Bank of Scotland PLC, 36 St Andrews Square, Edinburgh, EH2 2YB (“the Applicant”)

Ms Fiona Brown, 5 Lorne Street, Dundee, DD2 3QS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

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

Introduction

This eviction application is under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference on 28 August 2026 at 10.00 am. The applicant was represented by Miss Chloe Imrie of Aberdeen Considine. The respondent joined personally and represented her own interests.

Findings and Reasons

A private residential tenancy commenced on 1 May 2024. The landlord was the heritable proprietor and mortgage borrower Mr Craig Stewart. Ms Fiona Brown is the tenant. Decree for repossession in favour of the applicant, the Royal Bank of Scotland PLC was granted at Dundee Sheriff Court on 12 December 2024.

It is an eviction ground where the mortgage lender intends to sell the let property. The notice period was one of 84 days. The notice to leave relied upon in this case was served by Sheriff Officers on 29 July 2025 and stipulated that an application could not

be submitted to the tribunal before 22 October 2025. Sufficient statutory notice was given.

The tribunal was satisfied that the applicant wishes to sell the let property as the relevant mortgage lender. It has no interest in acting as a commercial landlord. The applicant is entitled to sell the property and require the Respondent to leave the Property to be able to dispose of it with vacant possession. In terms of the Conveyancing and Feudal Reform (Scotland) act 1974, the applicant has a responsibility as heritable creditors in possession to obtain the best price possible on a sale of the property and that with a sitting tenant, the market would be restricted to investors and the sale price would in all probability be prejudicially affected.

The respondent consented to an eviction order being granted. She is a single parent of four children who reside in the property with her. She has lived in the property since October 2010. She wishes certainty and cannot obtain Council housing before an eviction order is granted. Her proposed eviction has been hanging over the family for some time. A Section 11 notice has been issued to the local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order. The tribunal extended the period for implementation for 5 months until 31 January 2027 to reflect the respondent's personal circumstances, including in particular the length of her occupation of the property and the fact that she is a single parent of four children.

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.

Richard Mill

28 August 2026

Legal Member/Chair

Date