



**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/25/3776**

**Re: Property at 61 BEAULY AVENUE, DUNDEE, DD3 0EX (“the Property”)**

**Parties:**

**The Mortgage Works (UK) Plc, Nationwide House, Pipers Way, Swindon, SN381NW (“the Applicant”)**

**Ms Kirsty Lobban, 61 BEAULY AVENUE, DUNDEE, DD3 0EX (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Tony Cain (Ordinary Member)**

**Decision**

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

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 23 January 2026.

The CMD took place by teleconference on 11 March 2026 at 2.00 pm. The applicant was represented by Miss Georgia Mullen of Aberdeen Considine. The respondent joined personally and represented her own interests.

Findings and Reasons

The property is 61 Beaulay Avenue, Dundee DD3 0EX. A private residential tenancy was entered into between Taylor Housing (2) and Miss Kirsty Lobban on 1 June 2020. The mortgage borrower was Mr Mark Charles Taylor who is associated with Taylor

Housing (2). The applicant is the Mortgage Works (UK) PLC, the mortgage lender who has obtained Decree for possession against Mr Taylor. The Decree was granted at Dundee Sheriff Court on 21 November 2024.

The applicant relies upon ground 2 contained in schedule 3 to the 2016 Act. 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 is dated 23 May 2025 and stipulates that the earliest an application be submitted to the tribunal would be 20 August 2025. The notice to leave was served upon the respondent by Sheriff Officers on 27 May 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 requires 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. Sale of the property with a sitting tenant would likely reduce the market price.

The respondent is not opposed to the application. She understands that she requires to vacate the property. She works part time and lives with her 18 year old disabled son who has mobility problems. Adaptations have been carried out to the property. She is in communication with Dundee City Council regarding future housing options. 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 to a period of 6 months to 11 September 2026 given the circumstances of the respondent's household. It will take time for Dundee City Council to source a suitable property which may require adaptations. The applicant's representative was not opposed to an extension of time.

## **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

11 March 2026

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Legal Member/Chair

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Date

