



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/3696**

**Re: Property at 818 Carntyne Road, Carntyne, Glasgow, G32 6NQ (“the Property”)**

**Parties:**

**Mr Mark McKavanagh, 10 Stirling Drive, Rutherglen, G73 4JH (“the Applicant”)**

**Ms Angela McGrath, 818 Carntyne Road, Carntyne, Glasgow, G32 6NQ (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)**

**Decision**

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

**Background**

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 17<sup>th</sup> December 2017, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 13<sup>th</sup> March 2026.

**The Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 30<sup>th</sup> April 2026. Both parties were in attendance.

4. The Applicant said the Respondent had been an exemplary tenant. The Applicant is approaching retirement and wishes to sell the Property to fund his retirement. The Applicant said the Respondent required an eviction order to secure a larger property through social housing.
5. The Respondent said she was not opposing the order. The Respondent lives with her two teenage grandchildren and requires a larger property. There are medical issues in respect of the Respondent and her grandchildren. The Respondent said it would be beneficial to her and the family to have the security of tenure of social housing. The Respondent has been in discussion with the local authority and understands that she will be rehomed through the homelessness unit if an order is granted.
6. Responding to questions from the Tribunal as to whether an extension would be required beyond the usual 30-day period for execution of the eviction order, the Respondent said she is already packed up and living out of bags. The Respondent said she would be happy with the usual period and did not require an extension. The Applicant said he would be happy to agree to an extension if required.

### **Findings in Fact and Law**

7.
  - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 17<sup>th</sup> December 2017.
  - (ii) Notice to leave has been served upon the Respondent.
  - (iii) The Applicant intends to sell the Property.
  - (iv) The Applicant is entitled to sell the Property.
  - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
  - (vi) The Respondent requires a larger property and seeks the security of tenure offered by social housing.
  - (vii) It is reasonable to grant an eviction order.

### **Reasons for Decision**

8. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on

account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.

9. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
10. The Applicant wishes to sell the Property to release equity for his retirement fund.
11. The Respondent is keen to secure social housing and a larger property to suit the circumstances of her family. The Respondent is in discussion with the local authority. The Respondent is not opposing the order.
12. In all the circumstances, it is reasonable to grant the order sought.

### **Decision**

13. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 2<sup>nd</sup> June 2026.

### **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.**

**Ms H Forbes**

**Legal Member/Chair**

**Date 30<sup>th</sup> April 2026**