



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/4367

Re: Property at 110 Marswood Green, Hamilton, ML3 9EE (“the Property”)

Parties:

Mr Ian Murdoch, 7 Muirhill Court, Hamilton, ML3 6DR (“the Applicant”)

Mr Robert McCormack, 110 Marswood Green, Hamilton, ML3 9EE (“the Respondent”)

Tribunal Members:

Evan Crainie (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant lodged an application for an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A Notice to Leave, evidence of the intention to sell, a tenancy agreement and a section 11 notice were lodged with the application.
2. Service of the application and notification of a Case Management Discussion (“CMD”) was made upon the Respondent by Sheriff Officer on 30 April 2026.

The CMD

3. A CMD took place by way of teleconference on 05 June 2026. Ms Vikki McGuire of Jewel Homes represented the Applicant. The Respondent was not in attendance and was not represented.
4. Ms McGuire explained that she is on good terms with the Respondent and has been in regular contact with him regarding the application. She phoned

him on the morning of the CMD to check if he was planning to attend the CMD to which he stated that he was not. He asked that Ms McGuire text him afterwards to let him know the outcome.

5. Ms McGuire explained that the Applicant rented out two properties, one of them is in the process of being sold and once the Property which is the subject of this application is vacated, he intends to sell it too. The Applicant is retired, no longer wishes to be a landlord and is in the process of moving abroad to be closer to his family.
6. The Respondent is single and lives in the Property alone, he receives Universal Credit and has no health issues that Ms McGuire was aware of. The Respondent is not contesting the eviction; he would like a move to social housing and has been in contact with the local authority. He had been advised by the local authority to remain in the Property until he received an eviction order as they would need evidence of homelessness to assist him in his housing application.

Findings in Fact and Law

7. The Parties entered into a private residential tenancy in respect of the Property which commenced on 28 March 2025.
8. Notice to leave has been served upon the Respondent.
9. The Applicant intends to sell the Property.
10. The Applicant is entitled to sell the Property.
11. 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.
12. It is reasonable to grant an eviction order.

Reasons for Decision

13. 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.
14. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
15. The Applicant no longer wishes to be a landlord due to his age and the fact that he is in the process of moving abroad. The Applicant is selling his property portfolio in order to move abroad to be closer to his family.

16. The Tribunal took into account the fact that the Respondent is actively seeking social housing and hope that a decision in terms of housing will be made if an order is granted.

17. The Tribunal considered it was reasonable to grant the order sought.

Decision

18. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 10 July 2026.

19. The Tribunal also exercised the power within Rule 17 of the Rules and determined that a final order should be made at the CMD.

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.

E Crainie

Legal Member/Chair

Date: 5.6.26