



**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/25/5381**

**Re: Property at 5c Foulford Street, Cowdenbeath, KY4 9NB (“the Property”)**

**Parties:**

**Ms Ria McFayden, 19 Monica Grove, Manchester, Lancashire, M19 2BQ (“the Applicant”)**

**Mr Ewan Greer, 5c Foulford Street, Cowdenbeath, KY4 9NB (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**Background**

1. On 12<sup>th</sup> December 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
  - i. Copy Notice to Leave dated 8<sup>th</sup> September 2025, which Notice stated that the tenancy began on 9<sup>th</sup> March 2020;
  - ii. Sheriff Officer’s Certificate of Service confirming serving the Notice to Leave on 10<sup>th</sup> September 2025;
  - iii. Section 11 Notice and proof of service;
  - iv. Letter from McCash & Hunter, Solicitors dated 8<sup>th</sup> September 2025 confirming instructions to market the property.

3. It was explained in the application that the principal tenancy agreement could not be found.
4. The Application was served on the Respondent by Sheriff Officers on 28<sup>th</sup> April 2026.

### **Case Management Discussion**

5. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Mr Ferrie of McCash & Hunter, Solicitors. The Applicant also joined the call. There was no attendance by the Respondent or any representative on his behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
7. Mr Ferrie sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. He confirmed that the Applicant intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it.
8. The Tribunal were satisfied that the ground had been established, and asked Mr Ferrie to address the Tribunal on reasonableness. He said that the Applicant is expecting her first child. She wishes to sell the property so that she and her partner can use the equity as a deposit, allowing them to purchase a family home. He said that the property is a one bedroomed flat, and the respondent is believed to live there alone. He has no children living with him and the property has not been adapted to accommodate any disability. He has been a good tenant and there are no rent arrears.
9. Mr Ferrie said that he has been contacted by Fife Council and is aware that the respondent has approached them for housing assistance, and it is awaiting the eviction order so that the process can move forward.

### **Findings in Fact**

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property;
- b. The Applicant is the owner of the property and has the right to sell it;
- c. The Applicant
- d. A Notice To Leave, dated 8<sup>th</sup> September 2025, was served timeously and correctly;
- e. A section 11 notice was served on the local authority;
- f. The Applicant produced a letter from McCash & Hunter, solicitors, dated 8<sup>th</sup> September 2025 confirming instructions to market the property;

- g. The Application was served on the Respondent by Sheriff Officer on 28<sup>th</sup> April 2026;
- h. The Applicant intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it;
- i. The Applicant requires the equity from the property to provide a deposit to allow her to purchase a family home with her partner;
- j. The Respondent lives alone in the property;
- k. The property has not been adapted in relation to any disability.

## **Reasons for Decision**

10. Ground 1 of Schedule 3 of the Act states as follows:

*1(1)It is an eviction ground that the landlord intends to sell the let property.*

*(2)The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—*

*(a)is entitled to sell the let property,*

*(b)intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and*

*(c)the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.*

*(3)Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—*

*(a)a letter of engagement from a solicitor or estate agent concerning the sale of the let property,*

*(b)a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.*

11. The Tribunal is satisfied that the ground of eviction has been met. The Tribunal is also satisfied that it is reasonable to grant the eviction order. The Applicant has good reason for wishing to sell and the Respondent appears not to be opposed to the order given that he did not attend the CMD and he has contacted the local authority for housing assistance.

## **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.**

**Alison Kelly**

**3<sup>rd</sup> June 2026**

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**Legal Member/Chair**

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**Date**