



**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/26/1195**

**Property : 15 Devonview Street, Airdrie ML6 9DQ (“Property”)**

**Stephen Ferguson, Norfolk Cottage, 5 Norfolk Lane, Cleethorpes DN35 8BB (“Applicant”)**

**Jordan McDermott, 15 Devonview Street, Airdrie ML6 9DQ (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a private residential tenancy agreement between the Applicant and the Respondent which commenced on 27 April 2018; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 13 November 2025 (“Notice to Leave”) with royal mail certificate of posting dated 14 November 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and copy email from the Applicant dated 5 May 2026 regarding his intention to sell the Property. A Case Management Discussion (“CMD”) was fixed for 18 June 2026. The Application was served on the Respondent by sheriff officer on 19 May 2026.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 18 June 2026 by teleconference. The Applicant was in attendance. There was no appearance by the Respondent.

The Applicant told the Tribunal that the Property had been owned by his grandparents and then his father. He inherited the Property from his father 11 years ago. At that time

it was let to the Respondent and a friend. When the Respondent's friend left the Property the Respondent was granted a sole tenancy. He said the Respondent lived in the Property alone and he was not aware of any health issues. He said that the rent was sometimes paid sporadically but there were no arrears. He said that he lives in Cleethorpes and intends to sell the Property.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 27 April 2018.
2. A Notice to Leave was served on the Respondent by recorded delivery post on 14 November 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 10 February 2026.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

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

1. It is reasonable to grant an order for possession of the Property.

### **Reasons for the Decision**

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a copy email from the Applicant dated 5 May 2026 regarding his intention to sell the Property as well as the oral submission of the Applicant. The Tribunal determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness. Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

## **Decision**

The Tribunal determined to grant an order for possession of the Property.

### **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.**

# Joan Devine

**Joan Devine  
Legal Member**

**Date : 18 June 2026**