

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/5507

Re: Property at 7 MILNCROFT ROAD, GLASGOW, G33 3PD (“the Property”)

Parties:

MRS KERRY LOCHRIE, 5 LAKEVIEW GROVE, GLASGOW, G33 1FU (“the Applicant”)

MR THOMAS KERR, 7 MILNCROFT ROAD, GLASGOW, G33 3PD (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Elizabeth Williams (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 2 June 2026.

The CMD took place by teleconference on 3 July 2026 at 10.00 am. The applicant joined the hearing and represented her own interests. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 7 Milncroft Road, Glasgow G33 3PD. The applicant is Mrs Kerry Lochrie who is the heritable proprietor of the property and the registered landlord. The

respondent is Mr Thomas Kerr who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 28 June 2019.

The applicant intends to sell the let property and she relies on ground 1 of schedule 3 to the 2016 Act. The notice period was one of 84 days. The copy notice to leave produced is undated. It states that the earliest an application be submitted to the tribunal would be 20 December 2025. The applicant explains that the notice was signed and dated on 27 September 2025 with a paper copy being handed to the respondent on the same day. Additionally, a copy of the notice to leave with the email to the respondent on the same day is evidenced in documentary form. Sufficient statutory notice was given.

The applicant wishes to exit the commercial landlord market due to financial pressures. She has made enquiries regarding selling the property with a sitting tenant but this was not fruitful. The applicant has identified that the property is in a state of disrepair and that further the respondent has stopped paying rent. She has produced photographic evidence of the condition of the property which includes unsafe electrical sockets and floor coverings and tiling missing. She says that the state of disrepair has been caused solely by the respondent's behaviour. As at the date of the hearing the outstanding rent is over £6,000.

The tribunal was satisfied on the basis of the unchallenged credible and reliable evidence that it is the applicant's genuine intention to sell the let property. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent has not opposed the application. He is in employment. He has not engaged with the applicant regarding the circumstances of her proposed sale nor the rent arrears. He has no known dependants living with him and no known disabilities or other vulnerabilities.

It is not reasonable for the applicant to be required to make the property available to the respondent in the absence of rent being paid. This is disadvantageous financially to the applicant.

A Section 11 Homelessness notice has been issued to the local authority. The respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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

3 July 2026

Legal Member/Chair

Date