

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/26/0264

Re: Property at Loggiebank House, 2 Dun Park, Kirkintilloch, G66 2DU (“the Property”)

Parties:

Mr Calum Ferguson, c/o CODA Estates, 2-4 Heath Avenue, Lenzie, G66 4LG, (“the Applicant”) and

CODA Estates, 2-4 Heath Avenue, Lenzie, G66 4LG (“the Applicant’s Representative”) and

Mr Stephen McCallum and Ms Adele Grigor, Loggiebank House, 2 Dun Park, Kirkintilloch, G66 2DU (“the Respondents”) and

East Dunbartonshire Citizen’s Advice Bureau, 11 Alexandra Street, Kirkintilloch, Glasgow, G66 1HB (“the Respondents’ Representative”)

Tribunal Members:

G McWilliams: Legal Member

G Darroch: Ordinary Member

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.

Background

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion

2. A Case Management Discussion (“CMD”) proceeded by remote tele-conference call at 2.00pm on 20th August 2026. The Applicant’s Representative’s Ms S Miller and the Respondents, Mr McCallum and Ms Grigor, as well as their Representative’s Ms A Dallas, attended.

3. Ms Miller referred to the Application papers and stated that the Applicant and his family have relocated abroad and that he wishes to sell the Property to assist them financially in that regard. He asked the Tribunal to grant an eviction order.
4. Ms Dallas referred to the papers that she had submitted to the Tribunal's office in advance of the CMD and stated that the Respondents have applied to their local authority and housing association for a tenancy for themselves and their two teenage children.
5. Having discussed matters candidly with the Tribunal, and considered matters further during a pause in the CMD, Ms Miller and Ms Dallas agreed that it would be reasonable for an eviction order to be granted with a deferred enforcement date of 23rd November 2026.

Findings in Fact and Law and Reasons for Decision

6. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
7. Schedule 3 (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
8. Having considered all of the Application papers, and the submissions of Ms Miller and Ms Dallas, the Tribunal finds in fact that the Applicant, through his Representative, has provided the Tribunal, in his Application, with copies of the Notices to Leave ("NTLs") served on the Respondents and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to East Dunbartonshire Council. These documents had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (1) in the 2016 Act. The Tribunal further finds in fact that the Applicant seeks recovery of the Property in order to sell it, the Respondents are actively seeking alternative accommodation and that the Applicant and the Respondents are agreeable to the grant of an eviction order with a deferred enforcement date of 23rd November 2026.
9. In making its findings in fact the Tribunal relied on the documentation in the Application papers, as well as the oral submissions of Ms Miller and Ms Dallas.
10. Having made their findings in fact, the Tribunal finds in law that the ground in Schedule 3 (1) of the 2016 Act is met, as the Applicant intends to sell the Property, and that it is reasonable that an eviction order be granted with a deferred enforcement date of 23rd November 2026.

Outcome

11. The Tribunal therefore granted an order for possession of the Property as sought in the Application, with a deferred enforcement date of 23rd November 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.

G McWilliams

20th August 2026

Tribunal Legal Member

Date