Housing and Property Chamber
First-tier Tribunal for Scotland

Notes on a Case Management Discussion 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/25/5394

Re: Property at 138 Croftwood Avenue, Croftfoot, Glasgow, G44 5JE ("the Property")

Parties:

Mr Graham Paton, 5 Strathearn Road, Clarkston, Glasgow, G76 7TY ("the Applicant")

Mrs Adele Conway, 138 Croftwood Avenue, Croftfoot, Glasgow, G44 5JE ("the Respondent")

Tribunal Member:

Mrs Lesley Ward (Legal Member) and Mr Andrew Taylor (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") determined that the Respondent shall be evicted from the property on the basis of ground 1 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (landlord intends to sell the let property), and it being reasonable in all of the circumstances that the eviction be granted.

Background

1. This was an application for eviction in terms of rule 109 and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016. A case management discussion (CMD) was held on 22 June 2026. The Applicant attended. The Respondent was represented by a solicitor. She was opposed to the eviction application on the basis that she has specific needs due to her mental health difficulties, and she requires an affordable 2 bedroom property so that she can have family and friends to stay to assist her. The tribunal fixed a hearing for 7 December 2026 and made directions.

2. On the 29 July 2026 the Respondent's representative contacted the tribunal to advise that she was no longer opposed to the eviction application and she wished to withdraw her defence.

3. The Applicant has confirmed that he has no objection to the tribunal making a decision in connection with the application on the papers in terms of rule 18 and in accordance with the overriding objective.

4. The tribunal had before it the following copy documents:

(1) Private Residential Tenancy Agreement dated 27 May 2025.
(2) Notice to leave dated 5 September 2025.
(3) Proof of service of the notice to leave.
(4) Section 11 notice and proof of service.
(5) Land certificate.
(6) Evidence of landlord registration.
(7) Email from Freelands Solicitors dated 8 September 2025.

5. Findings in fact

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 27 May 2025.
- The respondent was served with a valid notice to leave dated 5 September 2025 on that date.
- The Applicant wishes to sell the property, and he intends to place it on the market for sale within 3 months of the respondent leaving the property.
- The Applicant is elderly and in poor health.
- The Respondent is not opposed to the eviction order.

Reasons

6. This was an undefended eviction application. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair.

7. The tribunal was satisfied that the eviction ground was met as the Applicant had provided a copy of an email from solicitors he had instructed to sell the property when it becomes vacant. He also gave evidence to the tribunal at the case

management discussion that he intends to sell the property due to his age and health.

8. Being satisfied that the eviction ground was met, the tribunal went on to consider the reasonableness of granting the eviction. The Respondent has withdrawn her opposition to the eviction application. The Applicant is elderly, in poor health and wishes to sell.

9. The tribunal was satisfied it was reasonable in all of the circumstances 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.

Lesley Ward

L Ward **26 October 2026**

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Legal Member **Date**