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(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/26/0878

Re: Property at 15 Graham Street Flat 2, Johnstone, PA5 8QP ("the Property")

Parties:

Bernadette McBride, Craig Cottage 60 Main Road, Fairlie, Largs, KA29 0AB ("the Applicant")

Jacqueline Peters, 15 Graham Street Flat 2, Johnstone, PA5 8QP ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Eviction Order be granted.

1) Background

1.1 By Application dated 23rd February 2026 the Applicant sought an order under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 28th May 2026.

1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 19th August 2026.

1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private Rental Tenancy agreement
- Notice to Leave ('NTL') and proof of service
- Pre Action Correspondence
- Section 11 Notice and proof of intimation
- Agency Agreement for Estate Agency

1.5 A Case Management Discussion was set to take place on 16th October 2026. Intimation was given to the Respondent by Sheriff Officers on 19th August 2026

2) The Case Management Discussion

2.1 The CMD took place by tele conference on 16th October. The Applicant was present along with her partner Mr Mark Waterson. The Applicant was represented by Mr Finlay Dunsmore who took part on her behalf. The Respondent took part.

2.2 The Applicant sought the Eviction Order based on Ground 1 of Schedule 3 of the Act, namely that the Applicant wishes to sell the property.

2.3 Mr Dunsmore asked the Tribunal to grant the Eviction Order. The Private Rental Tenancy for the property which is a ground floor flat started on 2nd March 2022. The monthly rent agreed was £425 per month. The Applicant wishes to sell the property. She owns only this property as a rental property. She has had a long run of expenses on the property. It is uneconomic for her to continue to repair and maintain the property. She does not wish to continue as a landlord. The Applicant has approached an agent to sell the property when it is vacant. The Applicant provided pre action correspondence to the Respondent indicating her intention to sell.

2.4 The Respondent stated that she did not dispute the reason for the Applicant seeking the eviction order. She accepts that the Applicant wishes to sell the property. She does not oppose the grant of the Eviction Order.

2.5 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

3.1 The Tenancy agreement is a Private Rental Tenancy Agreement which commenced on 2nd March 2022.

3.2 On 27th October 2025 the Applicant served Notice to Leave on the Respondent under Ground 1 of Schedule 3 to the Act. The Notice to Leave became effective from 22nd January 2026. The Notice was correctly drafted and provided sufficient Notice.

3.3 The Respondent does not oppose the grant of the Eviction Order.

3.4 The basis for the Order for possession was accordingly established.

4) Issue For the Tribunal

4.1 The issue for the Tribunal is to determine whether it is reasonable to grant the Order.

4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.

4.3 The Tribunal found that the Applicant is entitled to recovery of the property. The Tribunal had regard to the Applicants circumstances in that it is uneconomic for her to continue to rent the property, and she no longer wishes to be a landlord. She has approached an agent to market the property. The Respondent does not oppose the grant of the Order.

4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

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.

16th October 2026

Legal Member/Chair **Date**
Hilary Macandrew