Housing and Property Chamber
First-tier Tribunal for Scotland

**Decision 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/26/2112**

**Re: Property at 103 Loanfoot Avenue, Knightswood, Glasgow, G13 3DU ("the Property")**

**Parties:**

**Mr David McCormack, 7 Balvie Avenue, Glasgow, G15 6UP ("the Applicant")**

**Miss Michelle Ferguson, 103 Loanfoot Avenue, Knightswood, Glasgow, G13 3DU ("the Respondent")**

**Tribunal Members:**

**Mrs Lesley Ward (Legal Member) and Mrs Mary Lyden (Ordinary Member)**

## Decision

**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 a case management discussion (CMD) in connection with an application for eviction in terms of rule 109 and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016. The Applicant was represented by Ms Sharon Mackie of Endrick Property. The Respondent attended but was not represented.

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

(1) Private Residential Tenancy Agreement dated 29 March 2019.
(2) Notice to leave dated 16 January 2026.
(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 Ruthven Keenan and Pollock and Company Solicitors dated 30 April 2026.

## 3. The Applicant's position

According to Ms Mackie, the Applicant has a mortgage over the property, and the rental payments are insufficient to cover the mortgage payments. The Applicant has other properties that he rents out but there is less equity in this property, and the Applicant wants to sell it and pay off the debt.

## 4. The Respondent's position

The Respondent lives in the property with her two children age 7 and 21. The younger child is at school locally and the elder works locally. The Respondent has lived in the property since she was pregnant with her 7 year old child. She also works locally as a carer. The Respondent has contacted the local authority and they have advised that they cannot progress her application until an eviction order is granted. Before she received the notice to leave the Respondent intended to continue to live in the property. She did not wish to oppose the order and did not want the tribunal to adjourn consideration of the CMD to enable her to seek advice regarding the eviction.

## 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 29 March 2019.
- The Respondent was served with a valid notice to leave dated 16 January 2026 on 20 January 2026.
- 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 wishes to realise his interests in the property as the rental payments do not cover the mortgage payments.
- 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.

8. Being satisfied that the eviction ground was met, the tribunal went on to consider the reasonableness of granting the eviction. The Respondent lives in the property with her two children age 7 and 21. The Respondent is not opposed to the order and was in favour of the order being granted today to enable her to progress her housing application. The Respondent declined the tribunal's offer to delay the execution of the order.

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** **27 October 2026**

**Legal Member** **Date**