



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/26/1812

Re: Property at 92 Willow Drive, Paisley, PA5 0AJ (“the Property”)

Parties:

Mr Peter O'Neil, 57 Thomas Blanes, Costa D'es Blance, Tosca Calvia, Palma de Mallorca, 07011, Spain (“the Applicant”)

Mr Darren Dickson, 92 Willow Drive, Paisley, PA5 0AJ (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for an order for possession should be granted.

Background

1. By application dated 23 April 2026 the Applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 14 May 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.
2. A Case Management Discussion (CMD) was set to take place on 7 October 2026, and appropriate intimation of the hearing was given to all parties.
3. The application was heard alongside application FTS/HPC/CV/26/1813.

Case Management Discussion

4. The CMD took place on 7 October 2026 via telephone case conference. The Applicant was represented at the CMD by Ms Gordon of 247 Property Scotland Ltd. The Respondent attended and was represented by his mother, Katherine Dickson.
5. The Tribunal heard from the parties.
6. The Applicant's representative stated that the order for eviction was sought on the basis of Ground 12. The lease commenced on 9 July 2025. The rent is payable monthly in the sum of £595. The last payment of rent made by the Respondent was in October 2025. No payment of rent has been made since that date. The Applicant's representative provided a rent statement showing rent due to 10 September 2026 in the sum of £6535.00.
7. The Respondent's representative explained that the Respondent did not oppose the granting of the eviction order. The Respondent has no funds and is unable to pay the rent due. The Respondent's representative had been unaware of how difficult matters had got for the Respondent until recently. The Respondent has addiction and mental health issues. The lease was transferred to his sole name in July 2025. Prior to that he had been in a relationship, and the Property was let to him and his partner jointly. They were both employed. Since the relationship ended in July 2025, he has been the sole tenant and is no longer employed. He is in receipt of Universal Credit, but it is insufficient to meet his liabilities.
8. The Respondent did make an application for time to pay. It was apparent from the application that his income was insufficient to pay what had been offered having regard to his outgoings. The Respondent's representative indicated that when the offer was made, she intended to try and pay it herself. The time to pay offer was rejected by the Applicant.
9. The Respondent has been in contact with the local authority and with CAB in order to obtain debt advice. The local authority has advised him not to vacate the Property and to await the formal eviction. The Respondent accepts that he cannot meet the cost of the rent. The Respondent is currently single and unemployed and is receiving professional help for his addictions.

Findings in Fact

10. The Applicant is the registered owner of the property.
11. The Applicant is the landlord and the Respondent the tenant in terms of the private residential tenancy.

12. On 10 March 2026 the Applicant served upon the Respondent a notice to leave as required by the Act. The notice informed the Respondent that the Applicant wished to recover possession using the provisions of the Act.
13. A notice was served on Renfrewshire Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003 on 27 April 2026.
14. At the date of service of the Notice to Leave and the date of making the Application the Respondent had been in rent arrears for three or more consecutive months.
15. Letters were issued to the Respondent on 18 and 23 April 2026 by the Applicant with information as to where assistance may be sought.

Reasons for Decision

16. The Tribunal noted that the eviction was sought under and in terms of ground 12 of schedule 3 of the Act.
17. The Tribunal determined to make an order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord it finds that one of the eviction grounds named in the schedule 3 applies. In the Notice to Leave the Applicant states that they sought recovery of possession of the property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months.
18. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the respondent indicating that the Applicant intended to seek an eviction order based on ground 12.
19. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established.
20. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
21. The Tribunal find that it is reasonable to grant the order. The Respondent does not oppose the order for eviction. The Respondent acknowledges that he has not paid rent for a period of 10 months. He is unable to pay the rent from his current Universal Credit. He is unemployed and has addiction issues. He is a single person.

22. In all the circumstances it is reasonable to grant the order.

23. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

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.

J McKinlay

7th October 2026

Legal Member/Chair

Date