

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988.**

**Chamber Ref: FTS/HPC/EV/24/2389**

**Re: Property at 29 Highfield Avenue, Paisley, PA2 8LG (“the Property”)**

**Parties:**

**Mr Lee Pierce-Jones, Apartment 4401, 7 Bankside Boulevard, Salford, Manchester, M3 7HP (“the Applicant”); and**

**Ms Michelle McManus, 29 Highfield Avenue, Paisley, PA2 8LG (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member  
G. Darroch - Ordinary Member**

**Decision:**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.**

### **Background and Case Management Discussion on 26<sup>th</sup> November 2024**

1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).
2. The Applicant Mr Pierce-Jones had provided the Tribunal, in the Application, with copies of the parties’ short assured tenancy agreement, Form AT5, Notice to Quit (“NTQ”) and Sections 33 and 11 Notices with relevant Executions of Service. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988 (“the

1988 Act”), and the procedures set out in the Act had been correctly followed and applied.

3. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2.00pm on 26<sup>th</sup> November 2024. Both Mr Pierce-Jones and Ms McManus attended.
4. Mr Pierce-Jones stated that he wishes to recover possession of the Property in order to sell it. He said that he had built up a portfolio of five rented properties but has now sold three of them and is about to sell a fourth in the early part of 2025. He stated that he wants to sell the Property as he no longer wishes to be a landlord for financial and logistical reasons. Mr Pierce-Jones stated that Ms McManus has been a model tenant. Mr Pierce-Jones said that he had no objection to a suitable period of time being given to Ms McManus and her family to obtain alternative housing and move out of the Property.
5. Ms McManus said that she has applied to Renfrewshire Council and Housing Associations for alternative accommodation for herself and her three children aged 14, 16 and 18. Her eldest child, aged 20, and her 4 month old grandson, who also presently reside with her, have applied to their local authority to be housed separately. Ms McManus candidly stated that she has no objection to an eviction order being granted as she has been told by the organisations, to whom she has applied to for social housing, that after the grant of an eviction order her applications will be prioritised. She said that it would be helpful if she and her family were to be allowed a sufficient period of time to obtain other accommodation and move out of the Property.
6. The Tribunal, Mr Pierce-Jones and Ms McManus discussed the option of agreeing a deferred enforcement date in respect of the eviction order which both parties sought. Mr Pierce-Jones and Ms McManus agreed that it would be helpful to Ms McManus and her family if an earliest enforcement date of 3<sup>rd</sup> March 2025 was stipulated in the eviction order.

## **Statement of Reasons**

7. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:

- (a) the short assured tenancy has reached its end;
- (b) tacit relocation is not operating;
- (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
- (d) the landlord has given to the tenant notice stating that he requires possession of the house.

8. The Tribunal considered all of the available evidence and the submissions of Mr Pierce-Jones and Ms McManus. The Tribunal found in fact that all of the documentation regarding termination of the parties’ tenancy agreement had been validly served on Ms McManus. The Tribunal further found in fact that

the granting of an eviction order will assist both Mr Pierce-Jones, in enabling him to plan the sale of the Property to offset financial losses, and also allowing Ms McManus and her daughter to progress their applications for alternative social housing. The Tribunal also found in fact that both Mr Pierce-Jones and Ms McManus seek the grant of an eviction order and understand the consequences of the grant of such an order. Having made such findings in fact the Tribunal found in law that the parties' tenancy agreement had been lawfully brought to its end in terms of the relevant legislation, and that it was reasonable to grant an eviction order with deferred enforcement date of 3<sup>rd</sup> March 2025, at this time.

9. The Tribunal commended both Mr Pierce-Jones and Ms McManus for their straightforward submissions at the CMD.

### **Decision**

10. The Tribunal granted an order for possession of the Property as sought in the Application.

### **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**

**Legal Member**

**26<sup>th</sup> November 2024**  
**Date**