



**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/25/0136**

**Re: Property at T/L 6E York Way,, Renfrew, PA4 0NG (“the Property”)**

**Parties:**

**Mr Ross Martin, 9 Kinmount Avenue, Glasgow, G44 4RR (“the Applicant”)**

**Miss Chloe Kernachan, Miss Stacey Kernachan, Mr James Gallacher, T/L 6E York Way,, Renfrew, PA4 0NG; T/L 6E York Way,, Renfrew, PA4 0NG; T/L 6E York Way,, Renfrew, PA4 0NG (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Tony Cain (Ordinary Member)**

**Decision (in absence of the Third Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 29 March 2025 informing both parties that a CMD had been assigned for 21 May 2025 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision

today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 19 April 2025. The Tribunal received written representations from the Second Respondent indicating that if the Tribunal grants an eviction order, the Second Respondent would like more time to move to alternative accommodation because she is due to undergo medical treatment.

### **The case management discussion – 21 May 2025**

4. The CMD took place by conference call. The Applicant was represented by Mr. Jack Dean. The First and Second Respondents joined the conference call and were represented by Mr Anthony Kernachan. The Tribunal explained the purpose of the CMD. Mr Kernachan explained that the Third Respondent no longer lives in the Property, having moved out some time ago, and he did not represent his interests. On behalf of the First and Second Respondents, he explained that the application is not opposed, but additional time was sought before any eviction takes place. The First and Second Respondents have been in contact with the local authority and have been told that alternative accommodation will not be identified for them unless and until an eviction order is granted. It was suggested that a period of three months should be allowed before any eviction should take place.
5. The Applicant's representative explained that the Applicant owns 4 other properties and intends to sell all of those properties and to cease activity as a landlord. Mr Dean moved for an order to be granted and opposed any delay in the execution of an order on the basis that the Respondents have been aware since August 2024 that he intends to sell the Property.
6. The Tribunal adjourned briefly to consider the information provided. When the CMD reconvened, the Tribunal explained that the members found that the ground for eviction had been established and that it was reasonable to grant the order for eviction. The Tribunal also decided to extend the period of charge for removal by an additional 6 weeks, in terms of section 216(4) of the Bankruptcy and Diligence etc. (Scotland) Act 2007.

### **Findings in Fact**

7. The parties entered into a private residential tenancy which commenced 1 June 2019.
8. The Applicant served Notice to Leave on the Respondents by email on 23 August 2024.

9. The Applicant intends to sell the Property.

### **Reason for Decision**

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The First and Second Respondents did not oppose the application for eviction. The Tribunal was satisfied that the ground for eviction was established and that it was reasonable to grant the order for eviction.
11. In light of the documentary evidence lodged by the Second Respondent, the Tribunal was persuaded to extend the period of charge for a period of 6 weeks. Notwithstanding that the Respondents were made aware of the Applicant's intention to sell the Property in August 2024, the Tribunal accepted the information provided by the Respondents about the local authority's position about arranging alternative accommodation. The First and Second Respondents do not have alternative accommodation to go to and the Second Respondent is due to undergo medical treatment at the end of this month. Balancing both parties interests, the Tribunal exercised its discretion and extended the period of charge for an additional period of 6 weeks.

### **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.**

---

**Legal Member/Chair**

**21 May 2025**

---

**Date**