

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

Chamber Ref: FTS/HPC/EV/24/5215

Re: Property at 37 Caledonia Court, Greenock Road, Paisley, PA3 2LL (“the Property”)

Parties:

Mr James Quigley, residing at 47 Marchfield Avenue, Paisley, PA3 2QE (“the Applicant”) and

LM Properties Ltd, 50 Glasgow Road, Paisley, PA1 3PW (“the Applicant’s Representative”) and

Miss Michelle McKechnie, residing at 37 Caledonia Court, Greenock Road, Paisley, PA3 2LL (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

A Moore- Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined as follows:

Background

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicant’s Representative, had provided the Tribunal, in the Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”),

the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Renfrewshire Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondent, Miss McKechnie had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 13th March 2025, and the Sheriff Officers’ Certificate of Intimation was produced.

Case Management Discussion on 20th May 2025

4. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2.00pm on 20th May 2025. The Applicant’s Representative’s Mr C. Watson and the Respondent Miss McKechnie attended.
5. Mr Watson referred to the Application papers and stated that Mr Quigley wants to sell the Property for financial reasons. He said that, to the best of his knowledge, Mr Quigley does not rent any other properties. He stated that Mr Quigley’s birth year is 1954.
6. Miss McKechnie stated that she has been liaising with Mr Watson and Renfrewshire Council. She said that as soon as she became aware that Mr Quigley wanted to recover his Property she applied to Renfrewshire Council for a tenancy. Miss McKechnie stated that she has resided alone at the Property and is seeking a fresh tenancy for herself only. Miss McKechnie also stated that Renfrewshire Council informed her that they could not offer her a new tenancy until an eviction order is granted. She said that she has received three calls from Renfrewshire Council officers this week seeking an update in respect of this Application. Miss McKechnie stated that she is working full time, her furniture and belongings are in storage and that she has been paying rent and storage fees since November 2024. She said that it was best for herself and Mr Quigley that an eviction order be granted as soon as possible.

Statement of Reasons

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
9. The Tribunal considered the Application papers, including the PRT, NTL and supporting papers. The Tribunal also considered the statements and submissions made by Mr Watson and Miss McKechnie at the CMD. Having

done so the Tribunal found in fact that Mr Quigley seeks recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied. Given that Mr Quigley as well as Miss McKechnie seek the grant of an eviction order the Tribunal also found that it is reasonable to make such an order.

Decision

10. The Tribunal therefore makes an eviction order as sought in this 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

20th May 2025

Tribunal Legal Member

Date