

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016 (Act)**

Chamber Ref: FTS/HPC/EV/24/5869

**Re: Property at 116 Ferguslie Flat 0/1, Paisley, Renfrewshire, PA1 2XP (“the
Property”)**

Parties:

**Dunrowan Property Investments Ltd, 37 Maggie Woods Loan, Falkirk, Scotland,
FK1 5EH (“the Applicant”)**

**Dylan Short (or McNally), 48 Maple Drive, Johnstone, PA5 9RY (“the
Respondent”)**

Tribunal Members:

Alan Strain (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for eviction and recovery of possession be
granted.**

Background

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicants’ intention to refurbish the Property and for eviction and recovery of possession on Ground 10 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 23 December 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 6 December 2019;
3. Notice to Leave dated 7 November 2024 and served on 8 November 2024 by Sheriff Officer;
4. Section 11 Notice to Local Authority served by email on 23 December 2024;

5. Sheriff Officer Certificate of Service of CMD Notification on 10 April 2025;
6. Written Representations from Applicant's Solicitor dated 28 May 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 8 July 2025. The Applicant did not participate but was represented by its solicitor Mr David Gray. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

Mr Gray informed the Tribunal that the Applicant purchased the property on 11 October 2024 with a sitting tenant, the Respondent. At the time of purchase the Applicant was made aware that the Respondent had abandoned the property and that he was not up to date with his rent. He had not lived in the Property for 2 years.

The Applicant knows very little of the Respondent. His age is unknown. His employment status, entitlement to benefits or Universal Credit, and disabilities are similarly unknown. He has not paid rent since the Property was purchased and was in significant arrears at that time.

The Applicant is a commercial landlord and it owns 10 properties. The mortgage on the property is £29,925.56 and the monthly payment towards this is £185.37. The Applicant has carried out an inspection of the property and established that the Respondent vacated some time ago. The food in the fridge was two years out of date indicating the Respondent moved out a significant time ago.

The Tribunal had regard to the terms of Ground 10:

Not occupying let property

10(1) It is an eviction ground that the tenant is not occupying the let property as the tenant's home.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the let property is not being occupied as the only or principal home of—

(i) the tenant, or

(ii) a person to whom a sub-tenancy of the let property has been lawfully granted, ...

(b)the property's not being so occupied is not attributable to a breach of the landlord's duties under Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, and
(c)the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3)In sub-paragraph (2), the reference to a sub-tenancy being lawfully granted is to be construed in accordance with section 46(3).

The Tribunal then considered the documentary and oral evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 6 December 2019;
2. The Respondent has not occupied the Property for nearly 2 years and has not paid any rent since the Applicant purchased the Property on 11 October 2024;
3. Notice to Leave had been served on the Respondent on 8 November 2024 by Sheriff Officer;
4. Section 11 notification had been served on the local authority by email on 23 December 2024;
5. The Applicant is a commercial landlord and it owns 10 properties. The mortgage on the property is £29,925.56 and the monthly payment towards this are £185.37 .

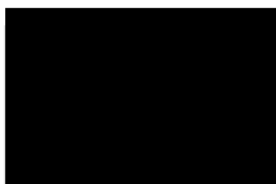
The Tribunal considered all of the evidence and submissions. The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought.

The Tribunal considered that it was reasonable in all of the circumstances to grant the order sought.

The Tribunal was satisfied that Ground 10 had been established and accordingly granted the application for eviction and recovery of possession.

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.



8 July 2025

Legal Member/Chair

Date