

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/24/3169

Property : 120 Green Road, Paisley PA2 9AJ (“Property”)

Parties:

Paul Kanamkudam Varghese, 2 Stanley Crescent, Paisley PA2 9LF (“Applicant”)

Sheeja Jacob, 2 Stanley Crescent, Paisley PA2 9LF (“Applicant’s Representative”)

Paul Duffy, 120 Green Road, Paisley PA2 9AJ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 1 April 2024 (“Notice to Leave”); letter from Carey Hughes Solicitors dated 28 March 2024 stating that the Applicant acquired title to the Property on 18 March 2024; title information from Registers of Scotland; copy quotes regarding works to be carried out to the Property from LA Interiors (Scotland) Ltd dated 19 August 2024 and Charles Higgins Joinery Ltd dated 20 August 2024; statement from Godwin Paul dated 18 August 2024 stating his intention to live in the Property; written representation from the Applicant dated 8 July 2024 and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email. A Case Management Discussion (“CMD”) was fixed for 27 June 2025. The Application was served on the Respondent by sheriff officer on 3 April 2025.

Case Management Discussion

A CMD took place before the Tribunal on 27 June 2025 by teleconference. The Applicant and the Applicant's Representative were in attendance as was the Respondent who was accompanied by Sharon O'Conner from Housing Support.

Mrs Jacob told the Tribunal that the Applicant acquired the Property knowing that the Respondent was a tenant living in the Property. She said that the Applicant had never seen a tenancy agreement but understood that the rent was £600 per month. She said that the Property was purchased from Ian Tennie.

Mr Duffy told the Tribunal that his landlord had been Mr Tennie who had taken as rent whatever was paid by the local authority in the way of benefits. He said he thought the rent was around £322 per month. The Tribunal asked Mr Duffy when the tenancy commenced. He said it was around 7 years ago. He could not confirm the precise date.

The Tribunal asked Mrs Jacob about service of the Notice to Leave. She said it was hand delivered by the Applicant on 1 April 2024. The Applicant confirmed that was correct. Mr Duffy confirmed that the Notice to Leave was handed to him by the Applicant.

The Tribunal asked Mr Duffy if he opposed the application. He said that he did not. He said he had been in touch with the local authority about alternative accommodation and they had said they could not assist until an eviction order was granted. Ms O'Conner said that Mr Duffy's caseworker would make the homeless application if an order was granted. She said that Mr Duffy needs a ground floor flat due to health and mobility issues. Mr Duffy told the Tribunal that he has sciatica, two discs displaced, arthritis and emphysema. He said that he struggles to walk.

The Tribunal asked Mrs Jacob about the refurbishment works required to the Property. She said that a full refurbishment is required including a new kitchen and bathroom. Mr Duffy agreed that extensive refurbishment is required and that he could not stay in the Property while the work is carried out. He said that the Property has two bedrooms and that he lives there alone. He said that he has family who live in the Paisley area.

As regards ground 5, Mrs Jacob told the Tribunal that Godwin Paul is the son of herself and the Applicant. She said he is 25 years old and currently lives with her and the Applicant. She said he wishes to move into the Property.

As regards rent arrears, Mrs Jacob said that since January 2025 £400 per month had been paid by universal credit. She said that small additional amounts had been paid towards the arrears. She said the arrears are around £6000.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Respondent entered into a Tenancy Agreement for the Property which commenced at some point in 2018.
2. The Applicant acquired title to the Property on 18 March 2024.
3. A Notice to Leave was served on the Respondent by personal delivery on 1 April 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 27 June 2024.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
5. The Applicant intends to carry out significantly disruptive works to the Property.
6. It would be impracticable for the Respondent to continue to occupy the Property given the nature of the refurbishment intended by the Applicant.
7. The Applicant's son, Godwin Paul, intends to live in the Property.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to 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 schedule 3 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 3, which is that the landlord intends to refurbish the Property, and Ground 5 which is that a member of the Applicant's family intends to live in the Property. The evidence lodged with the application of intention to refurbish was quotes from LA Interiors (Scotland) Ltd dated 19 August 2024 and Charles Higgins Joinery Ltd dated 20 August 2024. The Respondent agreed that extensive refurbishment works were required and that he could not remain in the Property while they were carried out. The evidence lodged with the application of intention of a family member to live in the Property was a statement from the Applicant's son, Godwin Paul dated 18 August 2024. The Tribunal considered the evidence provided and determined that both grounds for eviction had been established.

The Tribunal considered the question of reasonableness as set out in the documents lodged and the oral submissions from the Parties. In the circumstances, and in the absence of opposition from the Respondent, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

Decision

The Tribunal determined to grant an order for possession of the Property.

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

Date : 27 June 2025

Joan Devine