



**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/24/5755**

**Re: Property at 9B Barr Place, Paisley, PA1 2LA (“the Property”)**

**Parties:**

**Mrs Yan Wang, 4 Glenville Gate, Clarkston, G76 8SS (“the Applicant”)**

**Ms Laura-Diana Chiroasca, 9B Barr Place, Paisley, PA1 2LA (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)**

**Decision**

**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 Respondent 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 26 June 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 Respondent was invited to make written representations by 19 April 2025.

4. On 23 June 2025, the Tribunal received written representations from the Respondent's representative. In summary, the Respondent did not oppose the application for eviction. She is a single mother with 3 children aged 19, 12 and 3. She is in part time employment and in receipt of universal credit. She has been in touch with the local authority and a number of housing associations but has not received any offers of alternative accommodation. It was submitted that the Tribunal should consider ordering the delay in execution of any order granted, in terms of Rule 16A of the Rules.

#### **The case management discussion – 26 June 2025**

5. The CMD took place by conference call. The Applicant joined the call and represented herself. She was supported by her husband. The Respondent was represented by Mrs Stella Cojocar. The Tribunal explained the purpose of the CMD.
6. The Tribunal observed that the Respondent's position was succinctly set out in the written representations lodged. The Applicant's position was that there should be no delay in the execution of any order granted by the Tribunal. The Applicant owned 2 rental properties and decided to keep the other property and sell the Property which is occupied by the Respondent. The Applicant is married with 2 children. She is not in employment and is reliant on rental income. The Applicant served notice to leave. The Respondent did not pay rent for a period of 5 or 6 months. This caused significant financial pressure on the Applicant to the extent that she and her husband had to borrow money to pay their mortgage and the Applicant had to sell her other rental property. It was submitted that from the point when the notice to leave was served, the Respondent has had 9 months to find alternative accommodation.
7. The Respondent's representative explained that the Respondent made contact with the Citizen's Advice Bureau around mid-May and she made an application to the homeless unit around 1 and half weeks ago. She has been told that the local authority is hopeful of providing alternative accommodation by the end of July or beginning of August.
8. The Tribunal indicated that if an order was granted today, the normal timeframe for an eviction being executed (taking account of the appeal period and notice of removal) would be towards the middle of August. The Respondent's representative moved the Tribunal to exercise discretion in terms of Rule 16A to delay the execution of an order until the end of August.
9. The Tribunal adjourned the CMD to enable the members to discuss matters in light of the submissions made. When the CMD was reconvened, the Tribunal

explained that it had found the ground for eviction established and decided that it was reasonable to grant an order for eviction. The Tribunal also explained that it was not persuaded to exercise discretion to delay the execution of the order. Parties were advised that a written decision would be issued.

### **Findings in Fact**

10. The Applicant is the registered proprietor and landlord of the Property.
11. The parties entered into a private residential tenancy which commenced 9 July 2021.
12. The Applicant served Notice to Leave on the Respondent by sheriff officer on 16 September 2024.
13. The Applicant intends to sell the property. The Applicant requires the Respondent to leave the property for the purpose of disposing of it with vacant possession.

### **Reason for Decision**

14. The Tribunal took into account the application and supporting papers and the submissions made at the CMD. The Tribunal was satisfied that it could reach a decision on the application without a hearing under Rule 18 of the Rules and make relevant findings in fact based on the information provided by the parties. The Tribunal did not identify any issues to be resolved in this case that would require a hearing to be fixed.
15. Having considered the application and supporting papers, the Tribunal accepted that the Respondent had been given a notice to leave which complied with the provisions of sections 52, 54 and 60 of the 2016 Act. The Tribunal therefore went on to consider whether ground 1 had been met in this case.
16. The Tribunal accepted that the Applicant is the registered proprietor of the Property and is entitled to sell it. It also accepted the information provided by the Applicant about her reason for selling the Property. The Tribunal was satisfied that ground 1 was established. The Tribunal therefore went on to consider whether it was reasonable to make an eviction order on account of the facts in this case, which required the Tribunal to identify those factors relevant to reasonableness and determine what weight to give to them.
17. The Tribunal gave weight to the information provided by the Applicant about the financial pressure she was suffering as a result of rent not having been paid. The information provided by the Applicant was unchallenged. In addition to that, the Tribunal noted that the Respondent did not oppose the application.

18. Having weighed up factors relevant to reasonableness in this case, the Tribunal concluded that the balance weighed in favour of making an eviction order.
19. The next consideration for the Tribunal was whether to exercise discretion in terms of Rule 16A to delay the execution of the order for eviction. The Tribunal viewed the circumstances of the parties being finely balanced. There was urgency for the Applicant to sell the Property because she has no income and had to borrow money to pay her mortgage. Although there seems to have been a delay in making contact, the Respondent has made contact with the local authority and has been told that she may be offered alternative accommodation at the end of July or beginning of August. The Tribunal took account of the appeal period of 30 days and the notice of removal, which is a 2 week notice period. Taking account of that, any eviction would not take place until August. Taking account of both parties circumstances, the Tribunal was not persuaded to exercise discretion to delay the execution of the order.

### **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.**

Nicola Irvine

26 June 2025

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Legal Member/Chair

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Date