

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Procedural Rules")**

**Chamber Ref: FTS/HPC/PR/25/0079**

**Re: Property at 1/1 5 Robertson's Gait, Paisley, PA2 6DL ("the Property")**

**Parties:**

**Mr Jerome Meekins, 89/2 Causey Street, Paisley, PA1 1TU ("the Applicant")**

**Ms Karina-Jane Bowlby, The Banks, Hopetoun, South Queensferry, EH30 9SL ("the Respondent")**

**Tribunal Members:**

**Andrew Cowan (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determines that it does not have jurisdiction to consider the Applicant's claim that he is entitled to a wrongful termination order under Section 58(3) of the Private Housing (Tenancies)(Scotland) Act 2016 ("the Act") and accordingly dismisses the application in terms of Rule 27(1) of the Procedural Rules.**

**Background**

1. The Applicants seek an Order under Section 58 of the Act for a Wrongful Termination Order under Section 59 of the Act. The Applicants allege that they were misled by the Respondent into ending a tenancy and leaving the Property.
2. The Application included a copy of a short assured tenancy entered into between the parties, in relation to the Property, and dated 30<sup>th</sup> October 2017 ("the tenancy agreement").

3. A Case Management Discussion (“CMD”) took place on 18th August 2025 by tele-conference. Both parties joined the teleconference call.
4. At the CMD parties confirmed that the tenancy agreement between the parties had been a short assured tenancy. Both parties further confirmed that no further tenancy had been entered into between the parties in relation to the Property prior to the date that the Applicant moved out of the Property in November 2024.
5. The tenancy agreement had been entered on 30<sup>th</sup> October 2017. It cannot be a private residential tenancy as no such tenancy could be created prior to 1<sup>st</sup> December 2017.
6. Section 58 of the Act provides as follows:

***58 Wrongful termination without eviction order***

**(1) This section applies where a private residential tenancy has been brought to an end in accordance with section 50.**

**(2) An application for a wrongful-termination order may be made to the First-tier Tribunal by a person who was immediately before the tenancy ended either the tenant or a joint tenant under the tenancy (“the former tenant”).**

**(3) The Tribunal may make a wrongful-termination order if it finds that the former tenant was misled into ceasing to occupy the let property by the person who was the landlord under the tenancy immediately before it was brought to an end.**

7. Section 58 only allows the Tribunal to make a wrongful termination order where a private residential tenancy has been brought to an end in accordance with section 50 of the Act. Section 50 of the Act provides for consensual termination of a private residential tenancy following the service of a notice to leave and the tenant leaving.
8. The Tribunal has no jurisdiction in this case as the tenancy between the parties was a short-assured tenancy. It was not a private residential tenancy. Section 59 of the Act does not apply where a short assured tenancy has been brought to an end.

9. At the CMD the Application was provided an opportunity to further consider his position and/or to take further advice on the Tribunal's view that the Tribunal did not have jurisdiction to consider the application. The Applicant declined to take that opportunity.
10. In all the circumstances the Tribunal has determined that it does not have jurisdiction to consider the application and accordingly dismisses the application in terms of Rule 27(1) of the Procedural rules.

### **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.**

# Andrew Cowan

**Andrew Cowan**

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**Legal Member/Chair**

**18<sup>th</sup> August 2025**

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**Date**