

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

Chamber Ref: FTS/HPC/EV/25/0474

Re: Property at 7 Lochinver Crescent, Paisley, PA2 9EU (“the Property”)

Parties:

Mr Paul Quinn, 22 Lairg View, Bishopton, Renfrewshire, PA7 5SG (“the Applicant”)

Miss Fiona Little, 7 Lochinver Crescent, Paisley, PA2 9EJ (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property but that enforcement of the order should be suspended for a period of two months from the date of the decision.

Background

1. By application dated 4 February 2025 the Applicant’s representative, Rentahome Scotland Ltd, Paisley, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant submitted a copy of a tenancy agreement, Notice to Leave with execution of service, Section 11 Notice and a letter of appointment by selling agents together with other documents in support of the application.
2. By Notice of Acceptance dated 4 April 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 11 August 2025.

The Case Management Discussion

4. A CMD was held by teleconference on 18 September 2025. The Applicant attended in person and was represented by Miss Lesley Morrison from the Applicant's representatives. The Respondent also attended in person and was supported by Miss Jenna Carlin.
5. After explaining the purpose of a CMD the Tribunal noted from the Respondent that she was not opposing the application.
6. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 3 February 2020 at a rent of £495.00 per calendar month. The Tribunal was advised that the rent had been increased to £576.00 per month.
7. The Tribunal also noted that the Respondents had been served with a Notice to Leave under Ground 1 of Schedule 3 of the 2016 Act on 16 October 2024 and that a Section 11 Notice had been sent to Renfrewshire Council by email on 28 October 2024. The Tribunal also noted that Moving Estate Agents had been instructed by the Applicant to market the property for sale.
8. The Tribunal noted that the Applicant had submitted a statement explaining the reasons for disposing of his small portfolio of let properties and that the property was the final property in the portfolio. The Tribunal also noted that the Applicant's wife suffered from a serious illness and that the sale of the property would allow her to reduce her working hours.
9. The Respondent said she had applied in July 2023 for local authority housing and had also applied to the Housing associations in the area but had still not found anywhere to stay. The Respondent confirmed that she had been told by the Homeless Unit at the council that her application would only be progressed once the Tribunal granted an order for eviction. The Respondent confirmed that she lived in the property alone and also advised the Tribunal that one of her sons had recently passed away. The Respondent also explained that as she was in full time employment she would be expected to pay between £300 and £350 per week for temporary accommodation and that she could not afford to pay this amount. The respondent also said that if offered homeless Bed and Breakfast accommodation this would be charged at £120.00 per night and again, she could not afford this. In response to a query from the Tribunal the Respondent said she was employed at a local hospital as a health care support worker. The Respondent confirmed she had advised the local housing associations of her circumstances and although she had no physical health issues the

Respondent said she was grieving for the loss of her son and had a lot going on in her life. The Respondent confirmed that her rent payments were up to date.

Findings in Fact

10. The Respondent commenced a Private Residential Tenancy of the property on 3 February 2020.
11. A Notice to Leave under Ground 1 of Schedule 3 of the 2016 Act was served on the Respondent on 16 October 2024.
12. A Section 11 Notice was sent to Renfrewshire Council on 28 October 2024.
13. The Applicant has instructed Moving Estate Agents Ltd to market the property for sale.
14. The Applicant's wife suffers from ill health and wishes to reduce her working hours.
15. The Applicant has sold the other let properties in his portfolio and no longer wishes to be a landlord.
16. The Respondent lives alone in the property.
17. The Respondent is in employment and her rent is paid up to date.
18. The Respondent has been told that she will not receive any priority to be rehoused unless and until an order for her eviction is granted.
19. The Respondent is grieving from the loss of her son.

Reasons for Decision

20. The Tribunal was satisfied from the documents submitted and the oral submissions of both parties that the parties entered into a Private Residential tenancy that commenced on 3 February 2020. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 1 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Renfrewshire Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the Applicant's oral submissions that he intends to use Moving Estate Agents Ltd to market the property for sale.
21. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be

made. In reaching a decision on reasonableness the Tribunal noted that neither party took any issue with the other party's position as stated by them. The Tribunal therefore had to balance the needs of the Applicant with the needs of the Respondent in arriving at a decision. On the one hand there was the Applicant whose wife due to ill health wished to reduce her hours of work and this could be achieved using the sale proceeds of the property. In addition, the Applicant no longer wished to be a landlord and had disposed of all his other let properties. On the other hand, the Tribunal also had to take account of the needs of the Respondent. However, the Respondent said that she did not wish to oppose the application. The Respondent had also tried over a fairly long period of time to obtain social housing without success but did not wish to obtain another private let. The Tribunal also took into account the fact that the Respondent had been told that she would only be given priority for housing if an order for eviction was granted.

22. After carefully considering the circumstances of both parties the Tribunal was persuaded that the needs of the Applicant in this application were such that although there would undoubtedly be an adverse impact on the Respondent it was reasonable to grant the order. However, in order to give the Respondent some additional time to obtain alternative accommodation and in the hope that having granted an order for eviction she would receive priority for rehousing from the local authority the Tribunal suspended enforcement of the order for a period of two months.

Decision

23. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing, finds the Applicant entitled to an order for the eviction of the Respondent from the property but that enforcement of the order should be suspended for a period of two months from the date of the decision.

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.

Graham Harding

Graham Harding

18 September 2025

Legal Member/Chair

Date