

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/25/0641

Re: Property at 38C Graham Street, Johnstone, PA5 8QY (“the Property”)

Parties:

Mr John Gordon, 30 Ellon Way, Paisley, PA3 4BW (“the Applicant”) and

Emmerson Homes, 36 High Street, Johnstone, PA5 8AH (“the Applicant’s Representative”) and

Ms Kayleigh Stewart, 38C Graham Street, Johnstone, PA5 8QY (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
M Booth - Ordinary Member**

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Background and Case Management Discussion on 3rd October 2025

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicants’ Representative, had provided the Tribunal, in the Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Renfrewshire Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondent, Ms Stewart had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 25th August 2025, and the Sheriff Officers' Certificate of Intimation was produced.
4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2pm on 3rd October 2025. The Applicant's Representative's Mrs K Deans and the Respondent, Ms Stewart, attended.
5. Mrs Deans referred to the Application papers that she had sent to the Tribunal's office. She stated that Mr Gordon wishes to recover possession of the Property and sell it for financial reasons. She said that he has recently sold another rental property as he no longer wishes to be a landlord. Mrs Deans stated that Gordon would agree to an eviction order with a short, deferred enforcement date being granted to give Ms Stewart and her family more time to obtain another tenancy from Renfrewshire Council, or one of the housing associations that she has applied to, and move out of the Property. She said that Mr Gordon and Emmerson Homes had a very good relationship with Ms Stewart.
6. Ms Stewart confirmed that she had submitted applications for a tenancy to Renfrewshire Council and several local housing associations. She said that those organisations have told her that her applications will be given priority when an eviction order has been granted. Ms Stewart stated that the grant of an eviction order, with a deferred enforcement time of two months, would be helpful as this would, hopefully, allow her, and her family, sufficient time to obtain a suitable alternative tenancy. Ms Stewart said that she and her family are preparing to move out of the Property and do not want to unreasonably delay Mr Gordon's recovery of it.

Statement of Reasons

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
9. The Tribunal considered the Application papers, including the PRT, NTL and supporting papers, and the submissions made by Mrs Deans and Ms Stewart. Having done so the Tribunal found in fact that Mr Gordon seeks recovery of the Property in order to sell it and that Ms Stewart intends to obtain alternative, social housing. The Tribunal found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied and that it is reasonable to make such an order.

10. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 1st December 2025. In reaching the latter decision the Tribunal placed reliance on their own knowledge that local authorities and housing associations are very busy dealing with applications for social housing.

Decision

11. The Tribunal granted an order for Mr Gordon's recovery possession of the Property as sought in the Application, with a deferred enforcement date of 1st December 2025.

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.

G McWilliams

Legal Member:

Date: 3 October 2025