



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/1358

Re: Property at Flat 2/2, 52 Stock Street, Paisley, Renfrewshire, PA2 6NL (“the Property”)

Parties:

Mr John Ronald Murdoch, 86 Glenburn Crescent, Paisley, Renfrewshire, PA2 8LU (“the Applicant”)

Miss Louise Bronwen, Flat 2/2, 52 Stock Street, Paisley, Renfrewshire, PA2 6NL (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be made in terms of paragraph 11 of schedule 3 of the 2016 Act be made in favour of the Applicant.

1. Background

- 1.1 This is an application for an eviction order made on the basis that the Respondent had failed to adhere to the terms of the tenancy contract, specifically, with regards to her duty to maintain and take care of the Property. The application was accompanied by, amongst other things, copies of the notice to leave given to the Respondents, the written tenancy agreement between the parties and a home report obtained by the Applicants.
- 1.2 In advance of the Case Management Discussion the Applicant submitted further representations, including photographs of the Property. No written representations or other documents had been received from the Respondents in advance of the Case Management Discussion.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 20 October 2025 by teleconference. The Applicant was represented by Mr Bar of DJ Alexander, letting agents. The Respondent was neither present nor was she represented.
- 2.2 The Applicant's representative confirmed that the application was insisted upon. He wished to proceed in the Respondent's absence. Given that intimation of the application and the Case Management Discussion had been given to the Respondent by sheriff officers, the Tribunal considered it appropriate to proceed in their absence as permitted by rule 29 of the Chamber Rules.
- 2.3 Mr Bar advised that the reason an eviction order was sought was because of the condition of the Property. Rubbish and the Respondent's possessions had accumulated within. A smell of cat waste was noticeable upon attending at the door. The letting agent had become aware of its condition upon assuming responsibility for the Property in mid 2023. The Gas Safety certificate had expired later that year and the Respondent had failed to provide access on numerous occasions for the purpose of the necessary inspection of the gas hob. They had also been unable to gain access for inspection of the electrical installations. Access had been requested on numerous occasions. Earlier this year, access had been permitted but only as far as the hallway which is when the photographs were taken. Mr Bar had spoken with the Respondent and she had told him she was unable to maintain the property or properly look after herself. She wished an eviction order to be granted to obtain assistance from the local authority. With her consent, Mr Bar had made a referral for social work assistance. Although no feedback from that was available, he had received confirmation from the housing department that she was on the priority list for rehousing. The Respondent resided by herself at the Property.
- 2.4 The Tribunal indicated that it was prepared to grant the application for an eviction order in the circumstances.

3. Reasons For Decision

- 3.1 The Tribunal did not consider that a hearing was required and proceeded to determine the application as permitted by Rule 18 of the Chamber rules. The Applicants had served the requisite notice to leave upon the Respondents. The Applicant had demonstrated that the Property appeared to be short of the required condition and the Respondent had failed in her obligations in terms of paragraphs 17, 18 and 20 of the tenancy contract to take care of the Property and provide reasonable access where required. The Tribunal thereafter required to consider whether it was reasonable to grant the eviction order.

3.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah* 1947 SC 245 whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the application was made. The Respondent was in breach of her obligations to take reasonable care of the Property. The Applicant had been unable to carry out the necessary gas safety and electrical installation checks necessary to ensure the Property was safe for habitation. She had admitted to the Applicant's representative that she was unable to comply with her obligations in respect of the Property. It would appear she would be given priority for rehousing in the event of eviction. In the absence of any information as to why it would not be reasonable to do so, the Tribunal granted the eviction order sought.

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.

Alastair Houston

Legal Member/Chair

20 October 2025
Date