

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/25/1424

Property : 8B Henderson Street, Paisley PA1 2SJ (“Property”)

Parties:

Brian Smith, 15 Montfort Park, Barrhead, Glasgow G8 1SJ (“Applicant”)

Gemma Allison, 8B Henderson Street, Paisley PA1 2SJ (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property but to delay enforcement until 16 February 2026.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 6 September 2021; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 17 December 2024 ("Notice to Leave"); sheriff officer certificate of service of the Notice to Leave on 23 December 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and a copy email from We Auction Property regarding the sale of the Property. A Case Management Discussion (“CMD”) was fixed for 19 November 2025. The Application was served on the Respondent by sheriff officer on 13 October 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 19 November 2025 by teleconference. The Applicant was in attendance as was the Respondent.

Ms Allison told the Tribunal that she lives in the Property with her 4 year old daughter who is in primary 1 at a local school. She said that she wishes to stay close to the

school as she does not drive. She said there were no health issues in the family. Ms Allison said she had been in touch with the Council and social housing providers about alternative accommodation. When she received notification of the date of the CMD she told the Council about that and they told her she is now “high priority.” Ms Allison said that she is at college and not working. She hopes to become employed when she finishes college in August 2026. She said that staying in the private rented sector was not an option. Ms Allison told the Tribunal that she appreciates that the Applicant wishes to sell the Property and she understands she will have to vacate but she does not want to have to leave just before Christmas. She said that a delay into the new year would be helpful.

Mr Smith told the Tribunal that he had been made redundant twice. He said he then set up his own business but it was not working out. He said he had sold 4 properties owned by him which were vacant. He said he owns 6 others with tenants in place. He said that there was no market to sell tenanted properties. He said that the rents on the other properties owned by him were fairly high but the position with the Property was that the payments received from universal credit just covered the mortgage payments. He said the rent is now £545 per month and he receives £525 from universal credit. He said he is making no money on the Property. He said the arrears remain at around £1300. Mr Smith said that he would not evict the Respondent close to Christmas. He said the Council had asked him for references and he had provided excellent references for the Respondent. He said that he would be content with an order that had a delayed enforcement date of mid-February 2026.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 6 September 2021.
2. A Notice to Leave was served on the Respondent by sheriff officer on 23 December 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 21 March 2025.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Findings in Fact and Law

1. It is reasonable to grant an order for possession of the Property.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a copy email from We Auction Property regarding the sale of the Property.

The Tribunal considered the question of reasonableness. In all the circumstances, the Tribunal determined that it was reasonable to grant an order for possession of the Property but to delay enforcement until mid-February 2026 to give the Council more time to assist the Respondent with alternative accommodation.

Decision

The Tribunal determined to grant an order for possession of the Property but to delay enforcement until 16 February 2026

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.

Joan Devine

**Joan Devine
Legal Member**

Date : 19 November 2025