

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 ("The Act")

Chamber Ref: FTS/HPC/EV/25/2078

Re: Property at 233 Gallowhill Road, Paisley, PA3 4UG ("the Property")

Parties:

Mr Ryan Doak, 59 Donaldswood Park, Paisley, PA2 8RT ("the Applicant")

Mrs Mary Naismith, 233 Gallowhill Road, Paisley, PA3 4UG ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order on the provision that the order may not be enforced until 24 January 2026.

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 24 November 2025. The Applicant was represented by Mr Alan Doak. The Respondent was also personally present together with Ms Nicola Lindsay from Renfrewshire Council Housing Support. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the parties. The Respondent confirmed that she was content to leave the Property but explained her difficulties in securing alternative accommodation. Ms Lindsay from the local authority also spoke to this. The Tribunal heard that the Respondent has a disability and would require a one-bedroom ground floor property. There was a shortage of such properties available to the local authority. The Applicant for his part wished to sell the Property to release funds to buy a home of his own for him and his partner. He was currently in rented accommodation.

[4] Having heard from parties the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant acquired the landlord's interest in a Private Residential Tenancy Agreement which let the Property to the Respondent.*
- 2) *The Applicant now wishes to sell the Property to fund the purchase of a home of his own.*
- 3) *The Applicant has competently served a notice to leave under ground 1 on the Respondent;*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 5) *The Respondent is content to leave the Property but it may not be straightforward for the local authority to find her suitable alternative accommodation.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but considered that it was reasonable to do so on the provision that the order may not be enforced until 24 January 2026. Hopefully that will allow the local authority more time to find suitable alternative accommodation and also to avoid the Respondent having to vacate the Property over the festive period.

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 McLaughlin

Legal Member/Chair:

Date: 24 November 2025