



**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/25/1497**

**Re: Property at 17A South Street, Greenock, PA16 8UA (“the Property”)**

**Parties:**

**Optimo Letting, Mr Paul McCue, 53a Newton Street, Greenock, PA16 8SD; 27 Old Inverkip Road, Greenock, PA16 9AG (“the Applicant”)**

**Ms Andrea McLellan, 17A South Street, Greenock, PA16 8UA (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant. The extract is superseded until 13<sup>th</sup> February 2026.**

**Background**

1. An application was received by the Housing and Property Chamber dated 30<sup>th</sup> March 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on grounds 1 and 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was amended from ground 1A which is no longer a valid ground.
2. On 9<sup>th</sup> October 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 17<sup>th</sup> November 2025 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 31<sup>st</sup> October 2025.

3. On 31<sup>st</sup> October 2025, the Respondent emailed the Housing and Property Chamber stating that she was not opposed to the granting of an order but that she wanted a three month delay to the Order to allow her to be allocated a new property by her local authority.
4. On 8<sup>th</sup> November 2025, the Applicant emailed the Housing and Property Chamber opposing the extract order being superseded as there are accruing rent arrears on the Property.
5. On 16<sup>th</sup> October 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 16<sup>th</sup> October 2025.

### The Case Management Discussion

6. A CMD was held on 17<sup>th</sup> November 2025 at 2pm by teleconferencing. The Applicants were both present and represented themselves. The Respondent was present and represented herself. She was supported by Ms Nicole McDairmid, Benardos.
7. The Applicants were not aware that this was a rental property when they purchased it. They made it clear to the seller and their solicitor that it was not their intention to be landlords. They told the Respondent once they had bought the Property that they would be selling it. This is the only rental property that they own. While they do not have a mortgage over it they do have cost of insurance and other costs to meet their landlord duties. The Applicants said that the Respondent has not paid her rent since June 2025. They tried to get direct payments from the DWP but this requires input from the Respondent. They believe that this was not done and as a result refused by the DWP. The last contact from the Respondent was on 18<sup>th</sup> July 2025 when she said that there had been problems with her benefits. They now want vacant possession of their property to refurbish it and sell it on.
8. The Respondent said that she did not oppose the granting of an order. The Property is too small for her. It is a two bedroomed property. There are significant repairs that need to be undertaken. The Respondent said that she would like a little more time to allow her to be rehoused as she is looking to be rehoused into a four bedroomed house but the stock of this size house is limited. In terms of paying her rent, she said that she has extra costs from not having a working cooker or washing machine. In addition she said that there are cockroaches in the Property and she has to spend extra money to keep the Property sanitary for her children. This has put a financial pressure on her. The Respondent said that she has significant health issues for which she is medicated.
9. The Tribunal then discussed with the Applicants the possibility of superseding the extract of the Order until the end of February 2026. The Applicants said that

they had concerns that the Respondent would not pay her ongoing rent charge. They noted that this would be putting the Respondent into a worsening debt situation if she continues to live in the Property for longer.

10. The Tribunal granted the Order as it was not opposed. The extract was superseded to allow the Respondent time to be allocated a new property. This was given taking into account her enduring health problems, the fact that she has dependent children living with her and that there may be slower progress for her to be rehoused over the Christmas period.
11. The Tribunal noted that while there had been a written motion to amend the grounds to include ground 12 this would not be applicable as there were no Pre Action Requirement letters lodged which is necessary for this ground.

### Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced on 5<sup>th</sup> March 2018. The rent charge is £495 per month which is due to be paid on fifth day of each month.
13. The Applicants intend to sell the Property. It was never their intention to retain the Property. They require vacant possession to undertake refurbishment. When purchasing the Property, they were not made aware that there was a sitting tenant. Once they owned the Property they informed the Respondent of their position.
14. The Respondent is not opposed to the granting of an order. She lives in the Property with her three children aged 9, 15 and 18. It is a two bedroom property. She considers that there are significant repairs needing to be undertaken. This is affecting her health. She has been told by her local authority that she will be rehoused once an order for eviction has been granted.
15. There are no issues of reasonableness that prevent an order from being granted.

### Decision

16. The Tribunal found that ground 1 has been established and granted an order in favour of the Applicant. The extract is superseded until 13<sup>th</sup> 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.**

# G.Miller

**Legal Member/Chair**

**Date 19<sup>th</sup> November 2025**