



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/25/1563

Re: Property at Flat 2/1, 3 Rowan Wynd, Paisley, PA2 6FG (“the Property”)

Parties:

Mrs Suzanne Hughes, 15 Riccarton Avenue, Paisley, PA2 6BQ (“the Applicant”)

Mr Rory O’Flaherty, Flat 2/1, 3 Rowan Wynd, Paisley, PA2 6FG (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 29 October 2025 informing both parties that a CMD had been assigned for 18 December 2025 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make

a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 19 November 2025.

4. On 16 November 2025, the Tribunal received written representations from the Respondent.
5. On 22 November 2025, the Applicant lodged written representations.

The case management discussion – 18 December 2025

6. The CMD took place by conference call. Both parties joined the call and represented themselves. The Tribunal explained the purpose of the CMD.
7. The Respondent did not oppose the application for an eviction order. He has been in contact with the local authority and has been advised that the local authority cannot register him as homeless unless he is required to leave the Property. The Respondent lives alone in the Property and is not in employment. He suffers from some health conditions and is concerned that sudden homelessness could impact his health. He suggested an additional period of 6 – 8 weeks should be granted to enable him to find alternative accommodation.
8. The Applicant's position is that she intends to sell the let Property as soon as they obtain vacant possession. She has produced a mortgage valuation. This is the only rental property owned by the Applicant. She wishes to sell the Property and to cease activity as a landlord. The Applicant agreed to extend the time period for eviction by 6 – 8 weeks as suggested by the Respondent.
9. The Tribunal adjourned the CMD briefly to enable the members to consider the submissions made by both parties. When the CMD was reconvened, the Tribunal explained that the members found that the ground of eviction had been established and that it was reasonable to grant the order for eviction. In light of the Respondent's circumstances, the Tribunal decided to extend the period of charge for removal by a period of 8 weeks.

Findings in Fact

10. The parties entered into a private residential tenancy which commenced 16 April 2021.
11. The Applicant served Notice to Leave on the Respondent by email on 14 January 2025.
12. The Applicant intends to sell the let Property.

Reason for Decision

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
14. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondent did not oppose the application but sought more time to find alternative accommodation. The information before the Tribunal was that the Applicant intends to sell the Property and cease activity as a landlord. The Tribunal was satisfied that the ground for eviction was established. In light of the information provided by both parties, the Tribunal found that it was reasonable to grant the order for eviction.
15. Having decided that it is reasonable for an order for eviction to be granted, the Tribunal considered extending the period of time before an eviction can take place. The Tribunal granted the Respondent's request for more time. This gives both parties certainty as to when an eviction can take place but also affords the Respondent slightly longer to find alternative accommodation. In terms of section 216(4) of the Bankruptcy and Diligence etc Scotland Act 2007, the Tribunal varied the period of charge by extending it for 8 weeks.

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.

Nicola Irvine

Legal Member/Chair

18 December 2025

Date