



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 18 of the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/2081

Re: Property at 45 Wallace Street, Greenock, PA16 9BL (the Property)

Parties:

Mr Nick Hutchison and Mrs Adelene Hutchison, 25 Newark Street, Greenock, PA16 7UN (the Applicants)

Mr Daniel Bonnar and Ms Mhari McGowan, 45 Wallace Street, Greenock, PA16 9BL (the Respondents)

Tribunal Members:

**Ms Susanne L. M. Tanner K.C. (Legal Member)
Mrs Elizabeth Dickson (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal):

- (i) is satisfied that the First Respondent, Mr Bonnar has acted in an anti-social manner in relation to a person residing in the locality;**
- (ii) is satisfied that it is reasonable to make an order for possession in the circumstances of the case; and**
- (iii) made an order for possession in terms of Ground 15 in Schedule 5 of the 1988 Act.**

The decision of the tribunal was unanimous.

Statement of Reasons

1. The Applicant made an application to the tribunal on 2 May 2025, in terms of Section 18 of the Housing (Scotland) Act 1988 (the 1988 Act) and Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant's Representative lodged a paper apart and supporting documents with the Application, namely:
 - 2.1. Short Assured Tenancy agreement;
 - 2.2. Evidence in relation to alleged anti-social behaviour;
 - 2.3. AT6 notice and proof of service;
 - 2.4. Section 11 Notice and proof of delivery to the local authority
3. The tribunal's administration obtained the Title Sheet to the property which shows that the Applicants have been the registered proprietors of the Property since 12 July 2017.
4. On 22 July 2025, the Application was accepted for determination and a Case Management Discussion (CMD) was fixed for 9 December 2025 at 1000 by teleconference.
5. By letter of 20 October 2025, parties were notified by letter of the date, time and place of the CMD and told that they were required to attend. Parties were also advised in the same letter that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the Application, which may involve making or refusing an eviction order. If parties do not attend the CMD this will not stop a decision or order being made by the tribunal if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Respondent was asked to submit any written representations to the tribunal's offices by 10 November 2025.
6. The Application paperwork and notification of the date, time and place of the CMD was served on the Respondent by Sheriff Officers.
7. On 10 November 2025, the Respondent Ms McGowan submitted written representations on behalf of herself and the first Respondent, Mr Bonnar. The Respondents stated that they do not oppose an order for possession being made on Ground 15 but they requested a delay in enforcement because the alternative property which has been identified for their family by River Clyde Homes is not yet available for them to move into due to repair works between tenancies. They stated that they would update the tribunal about timescales at the CMD. Mr Bonnar admits

the anti-social behaviour complained of but stated that it was a result of his mental health conditions.

Case Management Discussion (CMD): 9 December 2025 at 1000 by teleconference

8. The Applicants, Mr and Mrs Hutchinson attended.
9. The Respondents, Mr Bonnar and Ms McGowan, attended.
10. The Applicants sought an order for possession on Ground 15.
11. The Applicant Mrs Hutchinson stated that they have not received any rent. She stated that they have been trying to get access for a landlord's safety check and have been unable to get into the Property. They have made appointment for Friday 12th December. They said that the Respondents are not communicating with them and they would like to know when the Respondents move out of the Property.
12. The Respondent Ms McGowan stated that the Respondents do not oppose the application and do not require additional time beyond the usual 30 day period for enforcement. They have an alternative house to move into but there is no flooring at that property. It has been arranged and will be carried out on 22nd December. Once that is done, they will be able to move into the new property. Ms McGowan confirmed that they do not need additional time after 8 January 2026. They understand that the Applicants could take enforcement measures if they do not move out by that time.
13. In relation to access for safety inspections, Ms McGowan stated that they have been told not to communicate with the landlords. They feel that the Applicants have been harassing them. Ms McGowan stated that they will make their own date for the gas safety check before they move out and that they have the details to make those arrangements. Ms McGowan stated that she would tell the Applicants if they move out before 8 January 2026 and will discuss what to do with the keys for the Property.
- 14. The tribunal makes the following findings-in-fact:**
 - 14.1. The Applicants are the joint registered proprietors of the Property.
 - 14.2. There is a short assured tenancy between the Applicants and the Respondents for the Property which began on 31 August 2017 and lasted until 31 August 2018 and then continued by tacit relocation on a monthly basis.

- 14.3. The AT6 Notice was served on the Respondents on 7 April 2025.
- 14.4. The Applicant has given to the Respondent at least two months' notice stating that they require possession of the Property.
- 14.5. The Application to the tribunal was made on 2 May 2025.
- 14.6. The Property is a two bedroomed property.
- 14.7. The Respondents live in the Property with their three children.
- 14.8. Mr Bonnar, the first Respondent engaged in anti-social behaviour at the Property towards neighbouring proprietors on multiple occasions in or about 2025.
- 14.9. On or about 4 March 2025, Mr Bonnar engaged in anti-social behaviour towards a neighbouring proprietor in the locality of the Property.
- 14.10. Mr Bonnar's actions on or about 4 March 2025 resulted in a police report and Mr Bonnar being charged under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 for threatening and abusive behaviour.
- 14.11. The Respondents have accrued rent arrears since the AT6 notice was served.
- 14.12. The Respondents have found suitable alternative housing for their family with River Clyde Homes which will be available to move into on or after 22 December 2025.

Discussion

- 14.13. The Respondents do not oppose the application for an order for possession of the Property on Ground 15 of Schedule 5 to the 1988 Act.
- 14.14. The tribunal is satisfied that the requirements of Ground 15 of Schedule 5 to the 1988 Act are met.
- 14.15. The tribunal is satisfied that in all the circumstances and on the basis of the findings of fact, it is reasonable to make an order for possession of the Property.

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.

9 December 2025

**Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair**