

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**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/25/1952**

**Re: Property at 57 Strathcarron Drive, Paisley, PA2 7AW (“the Property”)**

**Parties:**

**Mr Anthony Kearney, 35 Ben Lawers Drive, Paisley, PA2 7NF (“the Applicant”) and**

**McEwan Fraser Legal Solicitors, Claremont House, 130 East Claremont Street, Edinburgh EH7 4LB (“the Applicant’s Representative”) and**

**Mr Garry Ferguson and Mrs Jodie Ferguson, 57 Strathcarron Drive, Paisley, PA2 7AW (“the Respondents”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**M Lyden - Ordinary Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined as follows:**

**Background**

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicant, Mr Kearney, through his Representative, had provided the Tribunal, in his Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Renfrewshire Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the

relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondents, Mr and Mrs Ferguson, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 23<sup>rd</sup> October 2025, and the Sheriff Officers' Certificate of Intimation was produced.

### **Case Management Discussion on 11<sup>th</sup> December 2025**

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2pm on 11<sup>th</sup> December 2025. The Applicant's Representative's Ms R Doyle and the Respondents Mr and Mrs Ferguson attended
5. Ms Doyle referred to the Application papers and stated that Mr Kearney wants to move into the Property following the breakdown of his marriage in September 2024 and as he has been served with an NTL by his landlord.
6. Mr Ferguson stated that he is his wife's carer as she suffers from multiple sclerosis. He said that they have two children, aged 18 and 21, at home. Mr Ferguson stated that their 21 year old son suffers from cerebral palsy. He said that he and his wife have applied to Renfrewshire Council for a tenancy and have been informed that they are at the top of the applications list. He stated that they have also been told that the grant of an eviction order will help give them priority for the allocation of a local authority tenancy.

### **Statement of Reasons**

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (4) (1) of the 2016 Act provides that it is an eviction ground that the landlord intends to live in the let Property.
9. The Tribunal considered the Application papers, including the PRT, NTL and supporting papers. The Tribunal also considered the statements and submissions made by Ms Doyle and Mr Ferguson. Having done so the Tribunal found in fact that Mr Kearney seeks to recover possession of the Property so that he can live there and found in law that Ground 4 in Schedule 3 to the 2016 Act is satisfied. Given that Mr Kearney and Mr and Mrs Ferguson seek the grant of an eviction order the Tribunal also found that it is reasonable to make such an order. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 2<sup>nd</sup> March 2026. In reaching the latter decision the Tribunal, in particular, placed reliance on their own knowledge that local authorities are currently very busy dealing with applications for social housing.

## **Decision**

10. The Tribunal therefore makes an eviction order as sought in this Application, with a deferred enforcement date of 2<sup>nd</sup> March 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. McWilliams**

**11<sup>th</sup> December 2025**

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**Tribunal Legal Member**

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**Date**