

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 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/2022

Re: Property at 4 Allan Gardens, Saltcoats, KA21 6GH (“the Property”)

Parties:

Mr Ryan Irvine, Ground Floor, 12 Park Terrace, Glasgow, G3 6BY (“the Applicant”)

Ms Shona Copland, 4 Allan Gardens, Saltcoats, KA21 6GH (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Mary Lyden (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 The enforcement of the Order is superseded until 30th January 2026.

Background

1. An application was received by the Housing and Property Chamber dated 12th May 2025 which was later amended on or around 8th July 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, as amended, was based on ground 4 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 29th October 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th December 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 19th November 2025.

3. On 30th 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 30th October 2025.

The Case Management Discussion

4. A CMD was held on 18th December 2025 at 10am by teleconferencing. The Applicant not present but was represented by Ms Laura McLaren, Director, Welcome Homes. Ms Claire Steel and Ms Fiona Cano both from Welcome Homes were present as observers. The Respondent was present and was represented by Ms Andrea Giberson, CHAP.
5. Ms McLaren said that the Applicant is still seeking an order for eviction. This is the Applicant's only property. He had been working in London with his partner. His partner lost her job and they returned to the Glasgow area. He did rent a property in Glasgow but that property was not affordable and both the Applicant and her partner now wish to live in this Property as it is more affordable and in a suitable area. The Applicant is currently living with his parents and his partner is living elsewhere. This is wholly not suitable and wishes to return to his own property.
6. Ms McLaren said that there are no tenancy issues with the Respondent. There is a small amount of rent arrears which are being addressed. There is no other reason for the Applicant to seek his property back other than he wants to live in it.
7. The Respondent's representative said that the Respondent is not opposing an order being granted. The Respondent is looking for a few more weeks to progress her housing offer. The offices close over the Christmas period which inhibits the Respondent's ability to progress her application. The Respondent is now focused upon social housing as her previous private tenancy landlord also served a Notice To Quit under ground 4. She now wants a secure tenancy with her 18 year old son. There have been significant family events in the recent past. The Respondent would like to be able to settle with her son and sees that a secure local authority tenancy would allow her to do that.
8. The Tribunal granted an order for eviction. The extract was superseded until 30th January 2026. The Tribunal noted that should the Respondent be able and willing to vacate the Property before that date that she should give her notice to the Applicant. She is not required to remain in the Property if she is rehoused. Though she is legally obligated to pay the rent until she leaves. Ms McLaren said that there would not need to be a full notice period. Ms McLaren and Ms Gibson will liaise regarding the arrears, though this is not a matter for the Tribunal.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 3rd May 2024.

10. The Applicant is currently residing separately from his partner at his parental home. The Applicant and his partner now wish to live in the Property together.
11. The Respondent is not opposed to the granting of the order. She is awaiting to be rehoused by her local authority her once she has an order for eviction.
12. There are no issues of reasonableness that prevent an order from being granted.

Decision

13. The Tribunal found that ground 4 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Millar

18th December 2025

Legal Member/Chair

Date