



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/3576

Re: Property at 34A Spiers Place, Paisley, PA3 3RU (“the Property”)

Parties:

Mr Peter O'Neill, 6 Millford Drive, Linwood, Paisley, PA3 3EJ (“the Applicant”)

Ms Pat Taylor, 34A Spiers Place, Paisley, PA3 3RU (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction relying on ground 4 (landlord intends to live in the property) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. By application dated 5 August 2025 the applicant seeks an order for possession relying on ground 4 (landlord intends to live in property) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The following documents were lodged with the application:
 - Section 11 notice with proof of intimation
 - Notice to leave with proof of service
 - Affidavit signed by the applicant

Case management discussion (“CMD”) – 12 May 2026 – teleconference

3. The applicant was represented by Mr Oswald, solicitor, TLT LLP. The respondent was not present or represented. The Tribunal noted that papers had been served by Sheriff Officer letterbox delivery on 27 March 2026. The Tribunal was satisfied that the respondent had been properly notified of the CMD and proceeded in her absence.
4. Mr Oswald referred to the written documents that had been submitted. He stated that the respondent was a family friend of the applicant. She had applied for alternative accommodation. She had provided an update approximately 6 weeks earlier to advise that she had now been offered a housing association property. She had stated that repairs were required to the property before she could move in and at present she continued to reside in the property.
5. Mr Oswald stated that the tenancy had an ongoing financial impact on the applicant as he was covering the cost of his own rent in another property. In addition, the rent received from the respondent does not cover the cost of the mortgage repayments for the property.

Findings in fact and law

6. Parties entered into a private residential tenancy agreement, commencing on or around 1 March 2021.
7. The applicant is the owner of the property.
8. The applicant intends to return to reside in the property as his permanent home.
9. The respondent has been offered alternative accommodation by a housing association.
10. The respondent continues to reside in the property whilst repairs are being carried out to her new property.

11. The respondent has not lodged any objection to the application and did not attend the CMD to oppose an order being granted.

12. The applicant has a genuine intention to reside in the property.

13. It is reasonable to grant an order for eviction.

Reasons for the decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

16. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to the parties' interests to do so at the CMD without the need for a further hearing.

17. Ground 4 states:

4(1) It is an eviction ground that the landlord intends to live in the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months, and

(b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.

(3) References to the landlord in this paragraph—

(a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,

(b) in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.

(4) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the landlord has that intention.

18. The Tribunal took into account the written representations and documents lodged together with oral representations at the CMD.

19. The Tribunal had particular regard to the affidavit that had been submitted confirming the applicant's intention to return to the property. The Tribunal accepted the unopposed evidence that the applicant intended to return to the property due to a change in his personal and family circumstances as outlined in the affidavit.

20. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against.

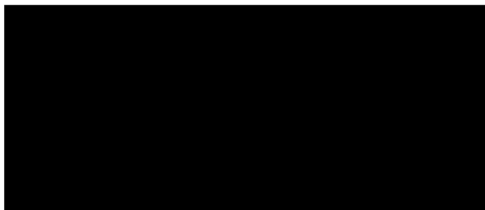
21. The Tribunal gave significant weight to Mr Oswald's unopposed submissions that the respondent had been offered alternative accommodation which was being prepared for her to move into. The Tribunal also gave significant weight to the applicant's personal circumstances and the fact that he required the accommodation due to his personal circumstances. The Tribunal also took into account the financial impact the continuing tenancy had on him.

22. The Tribunal gave significant weight to the fact that the respondent did not seek to oppose the application.

23. Taking the foregoing factors into account the Tribunal determined that it was reasonable to grant an order.

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.



Mary-Claire Kelly

Legal Member/Chair

12 May 2026_____

Date