



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/25/3729

Property : 16 McKerrell Street, Flat 1-1, Paisley PA1 1HU (“Property”)

Neil MacMillan, 31 Queen’s Park Court, Edinburgh EH8 7DX (“Applicant”)

Belvoir, 8 Silk Street, Paisley PA1 1HG (“Applicant’s Representative”)

Daniel Lee, 16 McKerrell Street, Flat 1-1, Paisley PA1 1HU (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property but to delay enforcement until 27 July 2026.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 13 May 2022; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 2 June 2025 (“Notice to Leave”) with covering email dated 2 June 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and copy email from Countrywide dated 26 August 2025 confirming their instruction to sell the Property. A Case Management Discussion (“CMD”) was fixed for 20 April 2026. The Application was served on the Respondent by sheriff officer on 4 March 2026.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 20 April 2026 by teleconference. The Applicant was represented by Nicola Gill of the Applicant’s Representative. The Respondent was also in attendance.

The Respondent told the Tribunal that he had received advice from the Citizens Advice Bureau (“CAB”) to oppose the application on the basis the Applicant did not intend to sell the Property as no evidence had been provided of intention to sell. The Tribunal clarified that the Respondent had received a full copy of the case papers. The Tribunal noted they included a copy email from Countrywide dated 26 August 2025 confirming their instruction to sell the Property. The Respondent said he had not been aware of that email.

The Tribunal asked the Respondent about his personal circumstances. He said that he works full time in Erskine and that he lives in the Property alone although he does care for his 11 year old son every second weekend and often on a Wednesday. He said that he is not in receipt of universal credit. The Respondent said that the current rent for the Property is £475. He said that he has been in touch with the local authority about alternative accommodation. He said that the CAB had given him a list of housing associations in Renfrewshire and he had contacted them all. He said he had also looked in the private rented sector but rents were very high at around £700-£800.

Ms Gill told the Tribunal that the Applicant does not own any other rental properties and wishes to sell the Property for financial reasons. She said he had intended to sell with the Respondent in place as tenant to a party who owns another property at 16 McKerrell Street but that fell through. She said that the Council had been in touch with her to ask for a reference for the Respondent which she had provided.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 13 May 2022.
2. A Notice to Leave was served on the Respondent by email on 2 June 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 29 August 2025.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Findings in Fact and Law

1. It is reasonable to grant an order for possession of the Property.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was copy email from Countrywide dated 26 August 2025 confirming their instruction to sell the Property. The Respondent had received advice from the CAB to the effect that the Applicant had failed to provide evidence of intention to sell the Property. That was not correct. The Respondent's attention was drawn to the email from Countrywide. He said he had not seen it. The Respondent could not explain the basis on which he disputed the Applicant intended to sell other than to say the CAB had told him to say that no evidence had been provided. On the basis of the email from Countrywide dated 26 August 2025 and the oral submission from the Applicant the Tribunal determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness. The Respondent is in full time employment. He lives alone aside from when he cares for his son. He has no health issues. The Respondent has made significant efforts to identify alternative accommodation. He has contacted housing associations and the local authority. He has looked in the private rented sector. The local authority have requested and been given a reference for the Respondent from the Applicant's Representative. In all the circumstances the Tribunal determined that it was reasonable to grant an order for possession of the Property but to delay enforcement until 27 July 2026.

Decision

The Tribunal determined to grant an order for possession of the Property but to delay enforcement until 27 July 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.

Joan Devine
Legal Member

Joan Devine

Date: 20 April 2026