



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/25/4884

Re: Property at 116 Springfield Gardens, Inverness, Highlands, IV3 5SL (“the Property”)

Parties:

Mr Dominic Adam Stringer, of no fixed abode (“the Applicant”)

Miss Gabriella Rezsik, 116 Springfield Gardens, Inverness, Highlands, IV3 5SL (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 12 November 2025, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2026. The Ground relied on was Ground 4 of Schedule 3 to the Act, namely that the landlord intends to live in the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 22 February 2024, a Notice to Leave dated 11 April 2025 advising the Respondent that an application to the Tribunal under Ground 4 would not be made before 7 July 2025, and an Affidavit dated 30 September 2025 from the Applicant, regarding his reasons for making the application and stating his intention to live in the Property.
3. In his Affidavit, the Applicant stated that when he purchased the Property he planned to live there with his long-term partner, but that relationship ended around the middle of 2023. He was not in a good place and went to live with his sister in Birmingham in April 2024. He rented the Property out as a source of

income while he was residing with his sister. In June 2025, his relationship with his sister became strained and he had to vacate at short notice. Since then, he had no permanent residence and was presently living on a friend's couch in Birmingham, but that was not a sustainable living arrangement. The Council would not help him because he owns a property and he cannot afford to buy another suitable property. The Property would be a great home for him, with a garden and a park nearby for his dog. The majority of his friends live near the Property, and he hopes to spend more time with them when he has the Property back. He does not have the same support network in Birmingham that he has in Inverness. His present living situation is taking a toll on his physical and mental health,

4. On 21 March 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 11 April 2026. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 7 May 2026. The Applicant was represented by Miss Andriana Capaldi of Bannatyne Kirkwood France & Co, solicitors, Glasgow. The Respondent was present and was supported, but not represented, by Inverness Citizens Advice Bureau and by a Hungarian interpreter.
6. The Respondent told the Tribunal that she understood the Applicant's position and did not wish to obstruct him in any way. She has been unable to find another property which she could afford. She has been in touch with Highland Council who are very actively trying to help rehouse her and her two children, who are aged 16 and 12. Her eldest daughter is currently sitting examinations at school. The Tribunal indicated that it would be reluctant to make an Order which could be enforced before the end of the school term and Miss Capaldi, for the Applicant, advised that the Applicant would not wish to interrupt schooling by insisting on an earlier date.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it the information and documentation it required to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that 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 to the 2016 Act applies.
9. Ground 4 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to live in the let property and that the Tribunal may find

that Ground 4 applies if the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months and the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of that fact. Ground 4 goes on to state that evidence tending to show that the landlord has that intention includes an Affidavit that the landlord has that intention.

10. The Tribunal was satisfied from the evidence provided by the Applicant, including the Affidavit, that he intends to live in the Property Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
11. The Tribunal noted that the Applicant does not own any other property, that he is currently homeless, but that the local authority will not assist him with housing because he owns a property. The Respondent was not opposing the application and has already been in touch with the local authority who are actively trying to help to rehouse her and her two children.
12. Accordingly, having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order, but that it should not be enforceable before 30 June 2026, to avoid interrupting the Respondent's children's schooling before the end of the summer term.
13. The Tribunal's Decision was unanimous.

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.

George Clark

Legal Member/Chair

7 May 2026
Date