



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/26/1682

Re: Property at 15 Raeburn Court, Perth, PH2 0DD (“the Property”)

Parties:

Mr Jan Carlo Rossini, Mrs Annemarie Sands, Mrs Eileen Rossini, 158 Oakbank Road, Perth, PH1 1HA; 156 Oakbank Road, Perth, PH1 1HA; 158 Oakbank Road, Perth, PH1 1HA (“the Applicant”)

Mr Sean Gaynor, 15 Raeburn Court, Perth, PH2 0DD (“the Respondent”)

Tribunal Members:

Fiona Stephen (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction should be granted.

Background

1. By application dated 16 April 2026, the Applicant sought an order for eviction under section 51 and Ground 5 of Schedule 3 (family member intends to live in the property) of the Act and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). On 19 May 2026 the application was accepted by the Tribunal and referred to it for determination. On 20 May 2026, the Tribunal accepted that, on the basis of medical evidence submitted, there were compelling reasons for the case to be expedited.
2. A Case Management Discussion (CMD) was fixed to take place on 1 July 2026 at 10am by teleconference call.

3. The Respondent was served with the papers in this case and intimation of the CMD by Sheriff Officers on 29 May 2026 conform to Execution of Service of the same date. Written representations were to be lodged with the Tribunal by 17 June 2026. No written representations were received.
4. A Case Management Discussion (CMD) took place on 1 July 2026 by teleconference call. All three applicants attended with Mr J Carlo Rossini being the main spokesperson. The Respondent, Mr Gaynor attended also.
5. The Tribunal noted that the tenancy commenced on 5 May 2022. The Tribunal asked the Applicant to explain why they were seeking the order under Ground 5, Schedule 3 of the Act (Family member intends to live in the property). The Tribunal had noted that Mr Rossini's son, Alistair had been having mental health issues in the last two years. The Tribunal had also noted the various statements lodged with the application. Mr Rossini explained that his son, Alistair had ongoing mental health issues but things had become particularly acute in the last two months. He was discharged from hospital in Falkirk in March 2026. He had been admitted to hospital in Dundee last year. Mr Rossini's son is currently living in emergency/temporary accommodation on a caravan site in Stirling on a week-to-week basis. That was the only accommodation that Mr Rossini could find for him at short notice. Mr Rossini expected to have the Property back on 15 April 2026 (when the Notice to Leave expired) but that did not happen. Mr Rossini's son is still under the care of the medical team in Falkirk. He is subject to a Compulsory Treatment Order (CTO). This means that he has to comply with the medical team's requests and he meets his Consultant Psychiatrist on a regular basis. He also takes medication. Mr Rossini made reference to the medical reports he had submitted.
6. Mr Rossini stated that he travels down to see his son in Stirling approximately twice a week. His son's friend, Ms Baxter also sees him and she stays in Falkirk. The Tribunal noted that it had been intended that Mr Alistair Rossini buy Mrs Sands one half share of the flat with a loan but this had been put on hold. The Tribunal was interested to know how Mr A Rossini was able to secure funds. Mr Rossini explained he will assist with funds as well as Ms Baxter, although this will not proceed unless vacant possession of the Property is obtained.
7. The Tribunal was interested to know if Alistair Rossini could move in with Mr and Mrs Rossini. Mrs Rossini said that would not be possible. She has her own health issues for which she is currently undergoing treatment and she could not deal with the stress of that. Mrs Rossini explained that she has been Alistair Rossini's stepmother since he was the age of five and she finds his behaviour difficult to live with. Mr Rossini said that his son can live on his own with support and the Compulsive Treatment Order. He used to live in the Property but had to be admitted to Murray Royal in Perth. It's been different since the Compulsive Treatment Order was put in place as that is more rigid. He can cope living on this own with his medication and support. He can maintain his living standards but if these slip, Mr Rossini helps him. Alistair Rossini is Bipolar and has Schizoaffective Disorder.

8. The Tribunal asked the Respondent, Mr Gaynor if he could explain his circumstances in the absence of any written representations. The Tribunal noted that he had had some family issues to deal with recently. Mr Gaynor explained that he had been contacted in January about leaving the Property and he had been looking at his options since then. He had spoken to the Council and some Housing Associations. He lives on his own. He has lived in the Property for four years and basically has nowhere to go. The Landlord has now increased the rent by £175.00 to £725.00pm starting in July. He got 3 months' notice of that. Belvoir did tell him that they would keep him informed of other flats coming up but there has been nothing. Mr Gaynor works for a company who works with Perth & Kinross Council. That contract expires in October. You have had several weeks off work to deal with family issues but started back at work today. Your parents live close by the Property in Craigie, Perth. Your mother is registered disabled and your father is elderly. Their property is not big enough for you to move into. You need to be close by to support them. You have children in Perth as well, an 18, 11 and 6 year old. Your 11-year-old daughter has significant health issues and stress is not good for her. The two younger children live with you about half of the week although you are not their primary caregiver. That impacts how the Council and Housing Associations view your needs in respect of a property. You confirmed that you were opposing the eviction as this is your home.
9. The Tribunal members resolved that there should be a full hearing so that it could hear from the parties and any witnesses, including any appropriate medical witness/es to better inform them on the issue of reasonableness.
10. Following the CMD the Tribunal issued a Direction dated 1 July 2026 to the parties which required them to submit the following additional information 4 weeks before the hearing:

The Applicant was required to provide:

1. A note of the names of any witnesses they intend to lead at the Hearing and what they will speak to;
2. Evidence of the financial circumstances of Mr Alistair Rossini including a note of any state benefits received, other income and outgoings;
3. A letter from a suitably qualified health professional who is responsible for Mr Alistair Rossini's care which explains (i) what his condition means in terms of behaviour (ii) whether he can live on his own or on his own with appropriate support (and what that appropriate support is) and (iii) what the Compulsive Treatment Order means for his care.

The Respondent was required to provide:

1. A note of the names of any witnesses he intends to lead at the Hearing and what they will speak to;

2. Evidence of his financial circumstances including a note of income and outgoings and state benefits received (if any);
 3. Evidence which confirms the living arrangements relating to his children.
11. On 2 July 2026 the Applicant sent further papers to the Tribunal comprising additional statements by the Applicant, Mr Alistair Rossini and Ms Baxter dated 1 July 2026 and a copy of an unredacted letter dated 1 June 2026 from Dr S McCallum, Consultant Psychiatrist.
12. On 6 July 2026 the Applicant sent further papers to the Tribunal updating it on Alistair Rossini's accommodation provision (including photographs), providing redacted copies of some medical reports for the Respondent and unredacted copies for the Tribunal.
13. On 23 July 2026 the parties were informed that an in-person Hearing had been fixed to take place at the Glasgow Tribunals Centre on 12 August at 10am.
14. On 29 July 2026, the Applicant's solicitor submitted written submissions in support of the application together with witness statements from Mrs Eileen Rossini and Ms Anne Baxter, a letter from, Ms C Watson, Mental Health Officer and other papers.
15. On 11 August, the Respondent provided some information regarding his financial position and living arrangements relating to his children by email.

The Hearing

16. The Hearing proceeded on 12 August in person at the Glasgow Tribunals Centre. Mr Ackerley, Solicitor from Lindsays, 19a Canning Street, Edinburgh appeared for the Applicant and Mr Gaynor, Respondent appeared on his own behalf. The Tribunal explained the format of the hearing.
17. The Tribunal had before it:
 - (i) The Application Form E;
 - (ii) A tenancy agreement between the Applicant and Respondent relating to the Property dated 5 May 2022;
 - (iii) Confirmation from the Scottish Landlord Register that the Property is registered in the name of the Applicant;
 - (iv) Confirmation from Registers of Scotland that the Property is owned 50% by Mr and Mrs Rossini and 50% by Mrs Sands;
 - (v) Written statements from Mr and Mrs Rossini, Mrs Sands, Mr A Rossini and Ms Baxter dated 16 April 2026 and an undated signed Affidavit by Mr A Rossini, all of which were before the Tribunal at the Case Management Discussion;

- (vi) Additional statements from Mr and Mrs Rossini, Mrs Sands, Mr A Rossini and Ms Baxter dated 1 July 2026;
- (vii) Additional statements from Mrs Eileen Rossini and Ms Anne Baxter dated 28 July 2026;
- (viii) Letter from Ms C Watson, Assistant Team Manager, Mental Health Team, Woodlands Resource Centre, Westburn Avenue, Falkirk dated 15 May 2026;
- (ix) Letter from Dr D Kerr, Consultant Psychiatrist, Mental Health Unit, Forth Valley Royal Hospital, Stirling Road, Larbert dated 14 May 2026;
- (x) Letter from Dr S McCallum, Consultant Psychiatrist, Falkirk Integrated Mental Health Services, Woodlands Resource Centre, Westburn Avenue, Falkirk dated 1 June (dictated 28 May) 2026;
- (xi) Letter from Ms C Watson, Assistant Team Manager/Mental Health Officer, Mental Health Team, Woodlands Resource Centre, Westburn Avenue, Falkirk dated 16 July 2026;
- (xii) Email from EPL Housing, Perth & Kinross Council to Mr A Rossini dated 29 July 2026;
- (xiii) Photographs of Mr A Rossini's caravan accommodation;
- (xiv) Screen shots of inquiries made by Mr A Rossini and others for accommodation;
- (xv) Various bank statements for Mr A Rossini;
- (xvi) Written submissions for the Applicant with Bundle;
- (xvii) Email from the Respondent dated 11 August 2026 providing information regarding his financial position and living arrangements with his children; and
- (xviii) Case Papers.

18. The Tribunal heard evidence from Mr J Carlo Rossini, Mr Alistair Rossini and Mr Sean Gaynor. Where the Tribunal refers to production numbers, these refer to the electronic Bundle of Papers provided by the Applicant's solicitor, e.g. (p46/188).

Mr J Carlo Rossini

- 19. Mr Rossini confirmed his personal details. He is a semi-retired Energy Consultant and lives at 158 Oakbank Road, Perth with his wife, Mrs Eileen Rossini. He and his wife own 50% of the Property which they purchased from Mrs Annemarie Sands, their neighbour when their son, Alistair Rossini went to college in 2009. Mrs Sands owns the other 50% of the Property. Mr Rossini owns no other properties. Alistair lived in the Property for 2 years when studying for his HND and then moved to Edinburgh. Mrs Sands deals with the letting of the Property through Belvoir, Letting Agents, Perth. Mr Gaynor has been a good tenant and the only reason for seeking repossession is because of the difficulties Alistair has had over the last 2 years.
- 20. Mr Rossini was referred to his written statement dated 16 April 2026 at paragraph 4 and confirmed that it is still the position that Alistair is in need of stable and suitable accommodation and will reside in the Property once vacant possession is obtained. Both his wife and Mrs Sands are supportive of that. Mr Rossini was referred to Mrs Sands statement dated 16 April 2026, paragraph 3 (p46/188) and Mrs Rossini's statement dated 16 April 2026,

paragraph 3 (p48/188) which stated that they were in full agreement to bringing the tenancy to an end so that Alistair could occupy the property as his principal home. He confirmed that remained their position.

21. Mr Akerley asked Mr Rossini what prompted this application. Mr Rossini explained that Alistair's health had deteriorated quite a bit. He was in hospital last year. Christmas was coming up and he did not want to issue a Notice to Leave then so waited until early January 2026 to start the process. A Notice to Leave was issued on 19 January 2026. Mr Rossini discussed things with Alistair. He did not have any money. His friend, Ms Baxter said that she'd give him a loan to help buy the Property. Alistair's solicitor advised him not to buy until possession had been obtained.
22. Mr Rossini explained that Alistair is extremely vulnerable. He has been hospitalised twice in the last two years. Since the Case Management Discussion on 1 July, he has been put on the maximum dose of his drugs and has been prescribed diazepam. If he moves into the Property, he will be able to see Alistair every day and he will know if Alistair has not been taking his medication. Alistair is currently homeless and his doctor says he needs a stable environment. This way, Alistair will have a stable environment. Mr Rossini confirmed that his position has not changed since his written statement dated 16 April 2026 (p47/188).
23. On the financial side, Mr Rossini explained that Alistair manages things when he is well. When he is unwell, he cannot judge the value of money. Whilst he is homeless, Mr Rossini has been paying his rent for the caravan site which was £110 per week (cash only). No receipts are given. There are no locks on the caravan door, so Alistair felt vulnerable and threatened. Mr Rossini then had to arrange for him to stay in a hotel.
24. When Alistair is well, he will always try and pay money back and he plans to pay Mr Rossini back once his position is more stable. He always calls this a loan.
25. If Alistair is not able to move into the Property, then Mr Rossini said he will end up back in hospital. It's the end of the line.
26. Mr Rossini said that the situation is having an impact on him. He will be 68 years old this year and is drawing down on his pension now. This is impacting him financially. He is semi-retired.
27. Mr Akerley referred Mr Rossini to one of Alistair's bank statements which had been lodged. This was Page 3 of the Barclays bank statement dated 11 April-12 May 2026 (p170/188). This shows two payments from Alistair to Mr Rossini of £50 000 and £8 810 on 27 and 28 April respectively. Mr Rossini explained that when Alistair heard on 31 March 2026 that the tenant was remaining in the flat, Alistair's solicitor told him that he had to repay that money so Alistair gave the money to him. Alistair could not transfer more than £50 000 at a time. He couldn't trust himself with the money.

28. This money had come from the sale of 49 Union Road, Camelon. He had purchased part of that property with money Mr Rossini gave him. It was £25 000. The property was bought with Ms Baxter. The £25 000 was there for Raeburn Court, Perth.
29. When asked if that money could be used to buy another property for Alistair to live in, Mr Rossini said he wouldn't give Alistair money for another property. Ms Baxter said it must be used for Raeburn Court. Alistair is paying her, he thinks, @ £300 every month for that. Mr Rossini does not see Alistair's bank statements.
30. Mr Ackerly referred Mr Rossini to his statement dated 1 July 2026 paragraph 3 (p129/188). Mr Rossini explained that 2 years ago, Alistair was staying in Crieff. Mr Rossini contacted Alistair's GP. He ended up being sectioned and was placed in Carseview (a mental health unit) which is part of Ninewells Hospital, Dundee. Alistair would not speak to Mr Rossini. He was not taking his medication. It was then that a Compulsory Treatment Order (CTO) was put in place. Alistair has been under the care of Dr S McCallum, Consultant Psychiatrist since 2014. She's based at Queen Margaret hospital, Dunfermline. Alistair becomes hyper when he's not taking his medication. Mr Rossini's wife cannot cope. If Alistair were in Perth, then Mr Rossini could see him every day. A CTO is in place when he moves to Perth. Alistair has deteriorated since the date of the Case Management Discussion on 1 July 2026.
31. Alistair's housing situation has impacted his health. He has had to leave flats when he's become unwell. No rental property is safe or secure and if he's in hospital again then he will have somewhere to come back to. At the moment, Mr Rossini makes sure Alistair takes his medication which is part of the CTO. When Alistair is healthy, he can plan forward but that is not possible just now. Mr Rossini has been travelling down to Wallace View caravan park in Stirling twice per week. If Alistair moves to Perth, it's a 10-15 min walk. Mr Rossini thinks that Alistair's condition will improve if he gets stable accommodation. It will take a while but the CTO package will come in. If there is a crisis then Mr Rossini is on hand.
32. If Alistair cannot move into the Property then Mr Rossini thinks that Alistair will be back in hospital for months. The situation is having an impact on Mr Rossini and his wife. He is not sleeping and his wife is not well and this is impacting her too. Although she and Alistair don't get on, she wants the best for him.
33. In response to being asked if Alistair has made efforts to secure accommodation, Mr Rossini said he has applied for flats. Alistair has no credit rating and is not employed so that makes things difficult. Mr Rossini has offered to be guarantor but that makes no difference. He still gets apartments sent to him by Belvoir. Perth and Kinross Council will not recognise Alistair as homeless.

34. Mr Rossini said that Alistair moving in with he and his wife is not an option. His wife wouldn't come to the Hearing today because of her mental health. She also has a significant health condition. If Mr Rossini could accommodate Alistair, he would. Mr Rossini was referred to a statement by Mrs Rossini dated 28 July 2026 (p179/188). She states in that that she and Alistair had a significant relationship breakdown several years ago and they maintain a respectful distance now. Living under the same roof caused strain and friction for everyone. Sharing a home again would lead to high levels of stress for her and Alistair. She needs a calm and low-stress environment at home to manage her ongoing health condition. Mr Rossini said that if his wife and Alistair were living under the same roof, he thinks they would both end up in hospital. Mr Rossini deals with Alistair.
35. Mr Rossini was asked if he knew if the Respondent had made attempts to find alternative accommodation. Mr Rossini said that Belvoir and told him that you need a reference and no-one had approached them for one. Mr Rossini met the Respondent for the first time on 31 March 2026. Mr Rossini sympathises with his position. This is not a good situation for anyone.
36. That concluded Mr Rossini's evidence. Mr Gaynor had no questions to ask him.
37. The Tribunal had some questions for Mr Rossini.
38. The Tribunal asked if there were any options to buy another property for Alistair to move into. Mr Rossini said all he can afford to give him is £25 000. Ms Baxter won't give him any money unless it's for the Property and Alistair would not get a mortgage. Mr Rossini said his retirement fund was also for his wife and she would not be happy to use more than that used. Mr Rossini would not get a mortgage himself. When asked why it had to be this property, Mr Rossini said that is because £60 000 can go into that (to buy the half share). It would cost around £120 000 for a new build property with 2 bedrooms.
39. Had the Council offered Alistair any specialist housing? Mr Rossini said no, nothing. Mr Ackerley referred the Tribunal to the letter from EPL Housing, Perth & Kinross Council dated 29 July 2026 (p181/188) which refers to Alistair contacting them "regarding temporary accommodation whilst arrangements are being made for you to move into your father's property once it becomes available". The email goes on "I appreciate that you are planning to occupy the property after the current tenant has vacated. However, temporary accommodation provided by the Council is intended for households who are homeless or threatened with homelessness and where there is a duty to provide accommodation. It is not generally provided in circumstances where accommodation is expected to become available through a private arrangement with a family member. As your intention is to move into your father's property once vacant possession has been obtained, we would not be

able to provide temporary accommodation solely for the period until the property becomes available.”

40. The Tribunal asked Mr Rossini if there have been any other discussions with Perth & Kinross Council or other specialist providers. Mr Rossini said that they consider him voluntarily homeless and that’s being used to deny Alistair accommodation. He is out of options. Mr Rossini confirmed that Alistair does have a social worker in Falkirk as part of the team there but that has not yet been transferred to Perth. Mr Rossini was not aware if Alistair had been offered a support package. When he is well, he can look after himself. When it was suggested by the Tribunal that social work teams can offer support, Mr Rossini said he has a social worker now and that has not been offered.

41. Mr Ackerley referred the Tribunal to a letter from Ms C Watson, Assistant Team Manager/Mental Health Officer, dated 16 July 2026 (p177/188). The Tribunal noted that Ms Watson is part of Alistair’s care team along with Dr MacCallum and Dr Kerr. Ms Watson sets out that Alistair is currently a detained patient under a CTO as defined by the Mental Health Care and Treatment (Scotland) Act 2003. She goes on to explain what measures Alistair must comply with:

- i. Engagement with his treatment plan, including antipsychotic medication, regular contact with his community psychiatric nurse and regular review by his consultant psychiatrist;
- ii. Mr A Rossini must advise of any address change;
- iii. Mr A Rossini must allow access to his place of residence to any professional involved in the delivery and monitoring of his treatment.

Ms Watson states that “Mr A Rossini has a diagnosis of schizoaffective disorder which requires management by antipsychotic medication. Mr Rossini is able to live independently in the community, however, requires support from the community mental health services, family and friends to ensure he remains well. If relapse is to occur Mr Rossini can become increasingly agitated, thought disordered, elated in mood, disinhibited and pressured in speech.

In order to alleviate the risks of relapse Mr Rossini requires a stable and secure home environment close to family and friends who can offer him support through more challenging times. This reduces the risk of hospitalisation and a prolonged period of poor mental health. It would be in Mr Rossin’s interest to have the presenting matters resolved as soon as possible so that he can progress his move back to Perth and begin working with his new health team. Continued delay of this process is causing increased anxieties for Mr Rossini and risk of relapse.”

42. Mr Gaynor was given the opportunity to ask any questions but he declined.

Mr Alistair Rossini

43. Mr A Rossini told the Tribunal that he was on medication which made him drowsy. The Tribunal said that if he needed a break at any time he should say. Mr Rossini confirmed that he has no fixed abode and his date of birth is 18 August 1985. He is unemployed but had a career in IT. His father is J. Carlo Rossini. His stepmother is Mrs Eileen Rossini and Mrs Annemarie Sands is a family friend.
44. Mr Rossini said if he was able to move into Raeburn Court then he would 100% live there. It is his only opportunity. He has to have a roof over his head. Mr Ackerley referred Mr Rossini to his statement dated 16 April 2026 (p50/188). Mr Rossini confirmed that was his statement. He had exhausted all options and intended to live at Raeburn Court for as long as he lives. It will provide stability and will help his recovery and well-being and will enable him to go back to work. He wants to stay there to achieve his goals and have a practical existence.
45. Mr Rossini was asked about his health conditions. He said that in 2013 he was diagnosed with Bi-polar disorder. He was living in Edinburgh and had a job and things were stable. Two years ago, he was diagnosed with schizoaffective disorder. Mr Rossini explained that this means he becomes pressured in speech and puts himself into vulnerable situations. For example, he was found knee-deep in water at Loch Lomond in the middle of the night. That would not happen if he was more stable. It is different when Mr Rossini has structure in life i.e. when he has a roof over his head, and has work focused activities. In the past he had success and was earning £30 000 per year. In the last 2 years, he has not had a home and his condition has been exacerbated. There is a constant risk of going back to hospital. The rucksack which he brought to the Tribunal today is all he has. He is doing his best.
46. Mr Rossini was asked what the CTO meant for him. He said that he must comply with this medication, stay at a fixed address (which he does not have at the moment) and see the community psychiatric nurse. They want to speak to him more often at the moment. They are not happy with the accommodation situation.
47. Mr Rossini said he was taking the maximum dose of antipsychotic medication and a mood stabiliser (previously this was given for his bipolar disorder). He had previously tried other medication but is back on Olanzapine at an increased dosage. In the last 2 weeks, he has been put on the maximum dosage of diazepam to keep him calm.
48. When asked how he received his treatment, Mr Rossini said that he collects his prescriptions from Falkirk. His Consultant Psychiatrist is based there at Woodlands Community Hospital. He also attends the Community Mental Health team. If he had an address, then they would come to him there.
49. Mr Rossini was asked to describe what it was like in hospital. He said it had been tough. You meet people there with different conditions. It's not the best place to be if you want to do work-based activity. It's not a nice experience.

You struggle to adjust and you can't get back to work based activity because of various appointments. It takes about 6-12 months to get back to work once discharged. It is the medics job to keep him in the community. In the last 2 years, Mr Rossini was admitted to Dundee from January to April 2025 and to Larbert from February to March 2026.

50. Mr Ackerley referred Mr Rossini to a letter from Dr McCallum, Consultant Psychiatrist, dated 1 June 2026 (dictated 28 May) (p127/188). (The Tribunal notes that this letter confirms Mr Rossini's diagnosis of schizoaffective disorder, that he has had 2 admissions to hospital in the last year and his current unstable housing situation is adversely affecting his mental health. He is currently living temporarily in a caravan outwith the catchment area which makes it difficult for him to receive appropriate care and treatment. It goes on to note that there is a plan in place to transfer his care to Perthshire once he is able to take up residence there). Mr Rossini said that Dr McCallum had saved his life, as had his father. She is a great doctor and has helped him a lot. She administers his medication and determines the appropriate dosage, so the side effects are not detrimental. He sees her every 3 months.
51. Mr Ackerly asked Mr Rossini to describe what impact his housing situation has had on him. Mr Rossini said that he has been prescribed diazepam within the last 2 months. He has no fixed abode. He has been rejected by the Council. He has been on at least 5 lists for housing and has been removed from those. He has never been offered housing. He has tried Link Housing Association, Paragon Housing Association and Falkirk Council. Perth & Kinross Council have told him he is not eligible for anything. Paragon did not get back to him.
52. Mr Rossini has looked at 15/20 private rentals. He applied to 5 properties but because he is on benefits was not accepted as he did not pass the affordability check. He lived at 49 Union Road, Camelon previously. This was short term accommodation. It was derelict, it had no heating. It had no boiler and a leaking gas system. Mr Rossini was able to go into his pension and help along with a friend, Ms Baxter. They bought it for £55 000. It was a short-term investment for Ms Baxter which was to be returned within 12-18 months. Mr Rossini lived in it for 7-9 months. It was liveable. In January 2026 Mr Rossini wanted to move back to Perth to be closer to his father. He sold Union Road so that Ms Baxter could get her money back. They made a small loss on the property. Things didn't go to plan because Mr Gaynor said he was going to move and then didn't. He reneged on what he'd said. Ms Baxter has come to the rescue. She is allowing Mr Rossini to stay in her property in Spain. The last time he stayed there he lasted 11 days. He lives in one room and doesn't speak Spanish. It's lonely.
53. Mr Rossini said that he is always more successful when he has a stable roof over his head. He engages with more people, gets in touch with friends, has a social life and his father can come over for a cup of tea. He can't invite his father over for a cup of tea in a tent.

54. Mr Ackerley asked Mr Rossini to tell the Tribunal of any difficulties his current situation has with his care. Mr Rossini said he does drive although if he's told he should not drive then he complies with that. He was in emergency temporary accommodation when he came back from Spain earlier this year. He ended up on a caravan site. There was a lot of anti-social behaviour there and party drugs. He felt like an outsider. Because he had a car, he was asked by people to take them places. The caravan had a leaky roof and the boiler didn't work for 3.5 months. The shower block was dirty and had blood in it. He had a one-bar radiator. He slept in his car. The rent was £120 per week which his father paid for (and which he will repay), gas was £95 per bottle and electricity was double the usual rate at 60p per kWh. He used more electricity than would be usual.
55. If he is not able to move into Raeburn Court, then the impact on his treatment will be dire. He will possibly be re-hospitalised. The progress from the last 2 years would disappear. Work would be affected. He does not know what his assessment would look like or where he would go. The doctors have put in a care plan in Perth. That's an across the region meeting and they put in place a network, like is in place in Falkirk. If he cannot move, then this care plan may disappear. It would mean that he would be kept at a distance from his father who he relies on a lot. It would limit his social activities. It would change his trajectory significantly. If he had a flat elsewhere in Perth, then he would go for that but that it not an option. This is his only option.
56. Mr Ackerley referred Mr Rossini to the letter from Ms C Watson dated 15 May 2026 (p108/188). The Tribunal notes that this letter confirms that Mr Rossini was allocated to Ms Watson as he is currently getting care for a mental health disorder. She confirms that he is currently in homeless accommodation which is causing significant stress, anxiety and instability. A treatment plan is set up and waiting to be implemented in Perth by the local community mental health team. Any delay could impact the availability of that service). Mr Rossini confirmed that Ms Watson is his Mental Health Officer and Assistant Team Manager. She was with him when he was last hospitalised. She had noticed a change in his behaviour.
57. Mr Ackerley referred Mr Rossini to the letter from Ms Watson dated 16 July 2026 (p177/188) (referred to in paragraph 41 above). Mr Rossini agreed with the passage which started "In order to alleviate...risk of relapse."
58. Mr Ackerley referred Mr Rossini to the letter from Dr D Kerr, Consultant Psychiatrist, dated 14 May 2026 (p138/188). Mr Rossini said he was the Consultant in the ward when he was sectioned in February-March 2026. (The Tribunal notes that the Consultant states that appropriate and secure accommodation is essential for maintaining stability of Mr Rossini's mental health and that having a fixed address is a condition of his CTO). Mr Rossini said that not having a fixed address was against the law.
59. Mr Ackerley asked Mr Rossini if he knew of any other options. Mr Rossini said that he was in a hostel in Falkirk last year. When in a hostel you are supposed

to apply for other accommodation. He did that but did not get any. He was then moved to a “scatter flat” in an anti-social neighbourhood. The neighbours were using drugs and had fires in the garden. He couldn’t invite his father or friends to that. With the approval of Dr McCallum and the Mental Health Team, Union Road in Falkirk became the option. Mr Rossini ended up in Falkirk because he abandoned the flat in Crieff. He got stuck in Falkirk. After the last episode, the best place to be is Perth.

60. Mr Rossini said that Perth & Kinross Council has rejected him and won’t offer hostel or emergency accommodation. They say they have no obligation to house him. He presumes Falkirk Council would say the same. Mr Rossini was referred to the email from Perth & Kinross Council dated 29 July 2026 (p181/188) which is referred to at paragraph 39 above.
61. Mr Rossini has not been successful in getting private accommodation. He worked in that sector in 2017 and knows they measure affordability which is usually 2.5-3 times the rent. At the moment, he receives £1300 per month Universal Credit and Adult Disability. His credit score is “poor”. Private property is unaffordable. He has been instantly rejected when he has applied for anything.
62. Mr Ackerley referred Mr Rossini to screen shots of applications for rental properties (p147-151/188). Mr Rossini said this showed he had tried.
63. Mr Rossini confirmed that if the eviction order was refused, he expects the same treatment regarding private rental properties.
64. Mr Ackerley asked what the impact was of his current situation. Mr Rossini said he would not be able to go back to the Wallace View Caravan Park as that was unsuitable.
65. Mr Rossini confirmed his monthly income was £1300. The Adult Disability benefit is time limited to 3 years. He is not paid any housing component.
66. Mr Rossini previously worked in web development, online marketing and search engine optimisation. He can do this working from home. He needs space for technical hardware and a data centre rack. Mr Rossini said he was lucky to have a friend like Ms Baxter. She has offered her house in Spain for him to go to and he will be going there after today’s hearing. He has to cover the costs of electricity and food. He can only be there for 2 months. He is paying a monthly fee to Virgin Media as he thought he was going to be moving into the property in Perth.
67. Mr Gaynor had no questions for Mr Rossini nor did the Tribunal. The Tribunal thanked him for giving evidence today.

Mr Gaynor

68. Mr Gaynor said that he had been contacted in January 2026 and received the Notice to Leave. His parents live near the Property. They are elderly and do not have sufficient room at their property for him to move into it. Belvoir did say they would look out for flats but there have been few lettings that fit his criteria. Mr Gaynor exercised his rights as tenant on the advice of Perth & Kinross Council. He applied to housing but they do not have a property currently. They should have a property if Mr Gaynor gets evicted.
69. Mr Gaynor has three children, aged 18, 11 and 6 years. His 11 year old daughter was born with a significant health condition and has had brain surgeries since birth. She prefers to be in a specific environment. She gets sensory overload and consistency is good for her. Mr Gaynor is no longer with his partner. He has the two younger children with him 3 nights per week. He told Perth & Kinross Council that. He does not have a good relationship with his former partner. She has a new partner.
70. Mr Gaynor was recently made unemployed. He took time off to help his parents. They have paid his rent for him. He has another job lined up with Sidey Windows in Perth. That's a full-time position and he starts imminently. If it falls through for any reason then he will apply for something else. He has applied for Universal Credit. It's the first time he has been unemployed.
71. Mr Gaynor said he has never missed a child maintenance payment. There is no court order regarding time with his children. He and his partner came to a private arrangement. He usually has them from Saturday evening to a Tuesday morning and drops them off and collects them from school. That arrangement will need to change with the new job. Mr Gaynor said he has also suffered mental health issues. He has been treated at Murray Royal Hospital, Perth, for PTSD and stress. He manages with medication.
72. When asked by the Tribunal if he still opposed the eviction order he said he still needs to do so. He has no siblings and his mother has had another 2 strokes and his father has diabetes. The Tribunal asked what the impact of an order would be on him. Mr Gaynor said he will have nowhere to live and nowhere for his children to come. Their routine will be rocked. He is lucky to have time with them. It will be detrimental and have a huge impact on him.
73. Mr Ackerley was given the opportunity to cross-examine Mr Gaynor. Mr Ackerley asked if Mr Gaynor had asked his Landlord for a reference. Mr Gaynor said that Belvoir told him that he would get preference but he thinks private rental for him is a last resort. He gave over his home to his ex-partner several years ago. It's taken time for him to rebuild. Social housing say they have nothing for him.
74. Mr Ackerley asked what Perth & Kinross Council has said to him if he gets evicted. Mr Gaynor said that with the Notice to Leave he was given 100 points. He had not had any offers of accommodation yet. Mr Gaynor accepted that the more points he has, the more he is likely to be offered

accommodation but it depends who you speak to in the Council. His application with them is still open.

75. Mr Ackerley asked Mr Gaynor if he had applied for any private property and had he restricted that to the Craigie area. Mr Gaynor said that Belvoir have been good. He has looked at the Craigie and Moncrieff areas and appreciates that's the "Golden Goose". He is realistic. He has supplied the Council with all the information they have asked for. The current property is only 15-20mins to his children's school.

Submissions

76. Mr Ackerley adopted his written submissions and the affidavit evidence of Mr A Rossini. He asked the Tribunal to accept that the planned sale by Mrs Sands to A Rossini was a long-term plan. The medical reports justified the move by Mr Rossini. Ground 5 was met. On reasonableness, Mr Ackerley accepted this was an unfortunate situation. There would be an impact on both parties, whatever order was made. There was ample evidence of the impact on Mr A Rossini if an order for eviction was not made. Mr Ackerley referred to the evidence about Mr Rossini's health, lack of alternative options and the fact that Perth & Kinross Council were treating him as voluntarily homeless. This is the landlord's property and their interests complete with the tenant's. The landlord would like his son to live there. It provides stable accommodation which is essential for his health. It is reasonable in all the circumstances to grant the order. Mr Ackerley submitted that the Tribunal will take Mr Gaynor's circumstances into account. If an order for eviction is granted, then he should move up the priority list. His children should assist with that. That is not an option currently available to Mr A Rossini.

77. Mr Gaynor had nothing else to add.

78. The Tribunal thanked both parties for giving evidence today in what was a difficult situation. The Tribunal would consider all of the evidence and issue its decision as soon as possible.

Findings in Fact

79. The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement dated 5 May 2022 within the meaning of the Act. The Tenancy commenced on 5 May 2022.
80. The Applicant comprises Mr J Carlo Rossini and Mrs Eileen Rossini of 158 Oakbank Road, Perth, PH1 1HA and Mrs Annemarie Sands of 156 Oakbank Road, Perth, PH1 1HA.
81. Mr J Carlo Rossini and Mrs Eileen Rossini own a 50% share in the Property and Mrs Annemarie Sands owns a 50% share in the Property.

82. The Property is a two bedroomed flat.
83. Mr Alistair Rossini is the son of Mr J Carlo Rossini and step-son of Mrs Eileen Rossini. He is therefore a member of Mr J Carlo Rossini and Mrs Eileen Rossini's family.
84. Mr Alistair Rossini is a qualifying relative of Mr J Carlo Rossini and Mrs Eileen Rossini.
85. Mr Alistair Rossini intends to occupy the Property as his only or principal home for at least 3 months.
86. The Applicant has competently served a notice to leave on the Respondent dated 19 January 2026 under ground 5 of Schedule 3 of the Act.
87. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.
88. The Respondent was served with a copy of this Application by Sheriff Officer on 29 May 2026.
89. Mr Alistair Rossini is currently under the care of Dr S McCallum, Consultant Psychiatrist, Falkirk Integrated Mental Health Service, Woodlands Resource Centre, Falkirk Community Hospital, Westburn Avenue, Falkirk. He has also been under the care of Dr D Kerr, Consultant Psychiatrist, Mental Health Unit, Forth Valley Royal Hospital, Strirling Road, Larbert. His allocated Mental Health Officer is Ms C Watson, Mental Health Team, Woodlands Resource Centre, Falkirk.
90. Mr Alistair Rossini suffers from a severe and enduring mental disorder, namely schizoaffective disorder and is subject to a Compulsory Treatment Order (CTO) under the Mental Health Care and Treatment (Scotland) Act 2003.
91. Mr Rossini's CTO requires him to engage with his treatment plan including taking antipsychotic medication, having regular contact with his community psychiatric nurse and regular review by his Consultant Psychiatrist.
92. Mr Rossini is able to live independently in the community but requires support from community mental health services, family and friends to ensure he remains well.
93. Security and stability is essential for Mr Alistair Rossini to make a good recovery.
94. Mr Alistair Rossini requires access to stable and secure housing close to family and friends. This reduces the risk of hospitalisation and a prolonged period of poor mental health.
95. A move back to Perth is in Mr Rossini's best interests.

96. A treatment plan is in place to transfer Mr Rossini's care from NHS Forth Valley to Perthshire once he is able to take up residence in the Property.
97. Mr Rossini has had two periods of in-patient treatment for his illness in the past two years, being January to April 2025 in Carseview, Dundee and February-March 2026 in Larbert.
98. Mr Rossini has not had stable or settled accommodation in the past two years.
99. In 2025, Mr Rossini was placed in a hostel in Falkirk which was unsuitable for his needs. He was then moved to a scatter flat which was located in an anti-social neighbourhood and unsuitable for his needs.
100. In 2025, Mr Rossini purchased a share in a flat in 49 Union Road, Camelon, Falkirk with his friend Ms Anne Baxter. This flat was bought at auction and was in a state of disrepair. Mr Rossini lived in it whilst essential services were repaired and it was returned to a reasonable condition.
101. In the expectation that the Respondent would move out of the Property on 31 March 2026, a sale of 49 Union Road, Camelon, Falkirk was agreed with an entry date of 7 April 2026. Mr Alistair Rossini and Ms Anne Baxter made a small loss on the flat.
102. Mr Rossini stayed temporarily at Ms Baxter's flat in Spain between 8-18 April 2026.
103. Mr Rossini was in emergency accommodation in Wallace View caravan park, Stirling from 14 April to 25 July 2026. This was unsuitable for his needs. The caravan was dirty and in poor condition with no working boiler, hot water or proper washing facilities. Mr Rossini slept in his car as the caravan did not provide sufficient shelter. Mr Rossini encountered anti-social behaviour involving drug use at the caravan park.
104. Since 25 July 2026 Mr Rossini has stayed at a variety of hotels arranged for him by his father.
105. From 12 August 2026 Mr Rossini will stay at Ms Baxter's flat in Spain for 2 months.
106. Mr Rossini is currently homeless.
107. Mr Rossini's health has deteriorated since 1 July 2026 and he has been put on an increased dosage of medication.
108. Mr Rossini has made efforts to find alternative accommodation in the past two years. He applied to Link Housing Association and Paragon Housing Association, but no accommodation has been offered to him.

109. Mr Rossini has made efforts to obtain private rented accommodation and has registered with a number of letting agents. He has not secured any offers of accommodation. He does not meet the affordability test.
110. Mr J Carlo Rossini has offered to act as guarantor for Mr Rossini but has been unable to secure private rented accommodation for him.
111. Perth & Kinross Council has refused to provide temporary accommodation to Mr Rossini on the basis that accommodation is not generally provided where accommodation is expected to become available through a private arrangement with a family member.
112. Mr Rossini intends to buy Mrs Annemarie Sands 50% share in the Property with a £25 000 loan from his father and a loan from Ms Baxter if an eviction order is granted.
113. Mr Rossini is currently in receipt of Universal Credit and Adult Disability Payment totalling around £1300 per month. His outgoings include a monthly payment to Virgin Media for an internet contract for the Property (which he took out in expectation of living there in March 2026) of £47.98 and a phone bill of £21.49. He pays Ms Baxter around £300 per month for the money that she will lend him to contribute to the purchase of Mrs Annemarie Sand's 50% share of the Property.
114. Mr Rossini is not currently in employment due to his health.
115. The Respondent lives in the Property on his own.
116. The Property is close to his elderly parents who live in Craigie, Perth and to his children's school. He has two children aged 11 and 6 years old who he looks after around 3 days per week. This includes drop off and pick up from school but this can vary depending on holidays and other plans. There is no formal contact arrangement in place.
117. The Respondent's 11-year-old daughter has significant health issues and must be in familiar surroundings to avoid stress.
118. The Respondent has some health issues which he has received in-patient treatment for. He suffers from PTSD which he manages with medication.
119. The Respondent has been working with a company in Perth but had to take time off recently due to family issues.
120. The Respondent has been made redundant recently but has secured alternative employment with Sidey Windows in Perth which is a full-time permanent position.

121. The Respondent has monthly outgoings of approximately £1612.00 comprising rent, child maintenance, Council tax, Food, utilities, insurances and mobile phone.
122. The Respondent is on the housing list for Perth & Kinross Council. He hopes to obtain housing if he is evicted.
123. The Respondent has been looking for other accommodation but does not consider that the private rental market is affordable to him.

Reasons for Decision

124. In terms of section 51(1) of the Act, the Tribunal is to issue an eviction order against the tenant of a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. The Applicant relies on ground 5 of Schedule 3 of the Act in the present case.
125. Ground 5 of Schedule 3 provides:

“5 Family member intends to live in property

- (1) It is an eviction ground that a member of the landlord's family 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) a member of the landlord's family intends to occupy the let property as that person'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) A member of the landlord's family is to be regarded as having the intention mentioned in sub-paragraph (2) if—*
- (a) the family member is incapable of having, or expressing, that intention, and*
- (b) the landlord and (if different) a person entitled to make decisions about where the family member lives, intend that the family member will occupy the let property as the family member's only or principal home for at least 3 months.*
- (4) For the purposes of this paragraph, a person is a member of the landlord's family if the person is—*

- (a) *in a qualifying relationship with the landlord,*
 - (b) *a qualifying relative of the landlord,*
 - (c) *a qualifying relative of a person who is in a qualifying relationship with the landlord, or*
 - (d) *in a qualifying relationship with a qualifying relative of the landlord.*
- (5) *For the purposes of sub-paragraph (4)—*
- (a) *two people are in a qualifying relationship with one another if they are—*
 - (i) *married to each other,*
 - (ii) *in a civil partnership with each other, or*
 - (iii) *living together as though they were married,*
 - (b) *“a qualifying relative” means a parent, grandparent, child, grandchild, brother or sister,*
 - (c) *a relationship of the half blood is to be regarded as a relationship of the whole blood,*
 - (d) *a person's stepchild is to be regarded as the person's child,*
 - (e) *a person (“A”) is to be regarded as the child of another person (“B”), if A is being or has been treated by B as B's child.*
- (6) *In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this paragraph are to any one of them*
- .
- (7) *Evidence tending to show that a member of the landlord's family has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the person has that intention.”*

126. Mr A Rossini is the son of Mr J Carlo Rossini and step-son of Mrs Eileen Rossini. As such he is a member of the landlord's family and a qualifying relative in terms of Ground 5 (4) and (5) (5)(b) and (d) of the Act. There was ample evidence led at the hearing by Mr J Carlo Rossini and his son, that Mr A Rossini intends to occupy the property and live in it for more than 3 months. Both witnesses spoke to that intention and the reasons for it. The Tribunal found both witnesses to be credible and reliable. In addition, there was ample evidence of that intention by way of the written statements from Mrs Eileen Rossini, Mrs Annemarie Sands and Ms Anne Baxter. There was also independent evidence from the professional medical witnesses, Dr McCallum, Dr Kerr and Ms Watson as to the need for Mr A Rossini to have stable and secure accommodation and for it to be in his best interests to live in Perth in the Property. On the basis of the Findings in Fact the Tribunal considers that the Applicant has demonstrated that Ground 5 (1) and (2) (a) is met.

127. Having made the above Findings in Fact, the Tribunal considered that the Applicant has established that Mr A Rossini who is a member of the landlord, Mr J Carlo Rossini's family and is a "qualifying relative", intends to occupy the Property for at least 3 months and that he is entitled to do so in terms of ground 5(1), (2) (a), (4) (5)(b) and (d) of Schedule 3 of the Act.

128. The Tribunal considered whether it is reasonable to issue an eviction order in terms of ground 5 (2) (b). In doing so the Tribunal must consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the Tribunal to grant the order or decline the order will be relevant. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. This is confirmed by one of the leading English cases **Cumming v Danson [1942] 2All ER 653 at 655** in which Lord Green MR said,

"In considering reasonableness...it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad common sense way as a man of the world and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account."

129. In assessing reasonableness, the Tribunal noted the reasons why the Applicant wishes Mr A Rossini to occupy the Property. The evidence of Mr Rossini's poor mental health and the deterioration in it over the past few months are documented in the letters from the medical professionals referred to in the Findings in Fact and in the evidence of Mr J Carlo Rossini and Mr A Rossini. It is clear that they are of the view that Mr A Rossini's best interests would be served by his move back to Perth. There is a care plan in place for him which is ready to be implemented. Any further delay may jeopardise that. The medical professionals discuss the need for Mr A Rossini to have stable and secure accommodation near his family and friends in Perth. They can provide support to him as required. It is also a requirement of his Compulsory Treatment Order that Mr A Rossini has a permanent address which he does not have at present and clearly as not had for many months. They confirm that the lack of a permanent home is detrimental to his health. Mr A Rossini spoke about the decline in his health since 1 July 2026 and the fact that his medication has had to be adjusted upwards to help him cope. Mr A Rossini relies on his father in particular to help him and that is difficult when they are not in the same city. Mr J Carlo Rossini is in his late 60's and this situation is taking a toll on him- that was clear at times when giving evidence, as it was for Mr A Rossini. Ms Watson, Mental Health Officer is clear in her letters of 16 April and 15 May 2026 that if Mr A Rossini does not make this move then he is at risk of relapse.

130. The medical evidence and oral evidence of Mr Jan Carlo and Mr A Rossini is supplemented by the written evidence of Mrs Eileen Rossini, Mrs

Annemarie Sands and Ms Baxter. Mrs Rossini has written of her difficult relationship with her step-son and of her own health issues. Nevertheless, she wishes him to be settled. It was clear to the Tribunal that it would not be possible for Mr A Rossini to move back in with his father and Mrs Rossini. Mrs Annemarie Sands is fully supportive of Mr A Rossini moving into the Property as he genuinely needs the Property as his home. She is prepared to sell her one-half share of the Property to him. Ms Baxter is a friend of Mr A Rossini and he evidently holds her in high regard. She has supported him in a number of ways, including providing accommodation in Spain and helping him acquire the property with her at 49 Union Road, Camelon, Falkirk. She describes that flat as being in disrepair and Mr A Rossini living in it whilst they repaired the essential services and returned it to a reasonable condition. As she wanted her investment back within a short timescale, they sold the flat so Mr A Rossini could move to Perth. She speaks about the negative impact the delay is having on his health. Ms Baxter is also assisting Mr A Rossini with financing the purchase of the half share of the Property.

131. Mr A Rossini gave evidence about his and his father's efforts to find alternative accommodation and of his experiences in living in temporary and unsuitable accommodation. Although Mr J Carlo Rossini was not able to say if other types of accommodation, such as supported accommodation, had been explored, he was clear that, when well, Alistair can cope living on his own in appropriate accommodation. This is supported by his Mental Health Officer, Ms Watson. Mr J Carlo Rossini spoke of a social worker being part of the medical team and this never been discussed. Mr A Rossini spoke of his efforts to find accommodation through housing associations and private rental companies. Perth & Kinross Council consider they cannot help him. Mr J Carlo Rossini is prepared to lend him £25 000 to assist in buying a half share of the Property (along with Ms Baxter providing a loan) but he is unable to buy another property given his own financial situation. In other words, it is this Property or nothing. Quite apart from the medical evidence it was clear from both Mr A Rossini and his father that obtaining stable accommodation near to his family is key to preserving his mental health. It will also give Mr A Rossini a chance to get back to employment. The Tribunal took account of all of the oral evidence, the medical evidence and the various statements and other documents lodged.

132. Mr Gaynor gave his evidence in a straightforward manner and the Tribunal found him credible and reliable. The Tribunal was mindful of the fact that he was representing himself. His own situation is not straightforward. He has lived in the Property for 4 years and is settled there. The Applicant confirms he has been a good tenant. The Property works well for Mr Gaynor as it is near his elderly parents who have health issues. It is near his youngest children's school and they are able to come and stay with him there 3 days a week on average. His two girls share one of the bedrooms. His 11-year-old daughter needs a stable environment due to her health issues and she likes it there. Mr Gaynor has suffered from his own health issues. He has PTSD and manages that with medication. At the Case Management Discussion, Mr Gaynor was working for a company in Perth but by the time of the hearing on 12 August, he had been made redundant. Despite this, Mr Gaynor had

already secured alternative employment with Sidey Windows in Perth and this is to be a full-time permanent position. Mr Gaynor said very candidly that if that did not work out, he would find something else.

133. Mr Gaynor has been in contact with Perth & Kinross Council and is on their housing list. He thought that he might be offered something if he were to be evicted. He was still maintaining his opposition to the application. He has looked for other properties in the private rental market but accepted he would ideally like to find a property in the Craigie or Moncrieff areas of Perth “the golden goose” as he described it but he was realistic about having to look at other areas. On balance he considered that a property in the social housing sector would suit him better on account of his financial situation.

134. The Tribunal recognises that this is a difficult situation for all parties involved. Having considered all of the evidence, the Tribunal considers that the evidence in favour of determining it is reasonable to grant an eviction order is, in all the circumstances, overwhelming. In addition to determining that the Applicant has satisfied the requirements of Ground 5 (1) and (2) (a) and Ground 5 (4) and (5) (b) and (d) of Schedule 3, the Tribunal considers that it is reasonable to make an eviction order in terms of ground 5 (2) (b) of Schedule 3 of the Act for the reasons stated above.

Decision

The Tribunal makes an order for eviction of the Respondent, Mr Sean Gaynor from the Property at 15 Raeburn Court, Perth, PH2 0DD.

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.

Fiona Stephen

**Fiona Stephen
Legal Member/Chair**

**28 August 2026
Date**