



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988**

**Chamber Ref: FTS/HPC/EV/25/3179**

**Re: Property at Flat 1-2, 128 Paisley Road, Renfrew, PA4 8DA (“the Property”)**

**Parties:**

**Ms Lorraine MacDonald, Mr Neil MacDonald, Kaimhill Holdings, 6 Crosslee Road, Bridge Of Weir, PA11 3RQ (“the Applicant”)**

**Mr Duncan McGhee, Flat 1-2, 128 Paisley Road, Renfrew, PA4 8DA (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member) and Eileen Shand (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall be evicted from the property on the basis of the expiry of the Short assured Tenancy and it being reasonable in all of the circumstances that the eviction be granted. The Order is superseded until 25 April 2026.**

**Background**

1. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 66 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017, and section 33 of the Housing (Scotland) Act 1988. The Applicant was represented by Ms Lauren Whistle of Ritehome Ltd. The Respondent was in attendance.

2. The tribunal had before it the following copy documents:

- (1) Tenancy agreement for the initial period of 18 June 2012 to 18 December 2012 and monthly thereafter.
- (2) AT5 dated 18 June 2012.
- (3) Section 33 notice dated 16 April 2025.

- (4) Notice to quit dated 16 April 2025 with an ish date of 18 July 2025.
- (5) Execution of service of the notice to leave/ section 33 notice by sheriff officers dated 23 April 2025.
- (6) Section 11 notice and proof of service to Renfrewshire council.

3. The Respondent did not lodge any written representations in advance of the CMD.

### **Case Management Discussion**

4. Ms Whistle said that she was looking for an eviction order to be granted today. The Applicant needs to sell the Property and requires vacant possession. There are works which require to be undertaken at the Property following a leak from the flat above into the bathroom .There has been an outstanding insurance claim in this respect dating back to 2023/2024. Due to the absence of allowed access by the Respondent this matter remains outstanding. In addition, the water tank requires to be repaired. The landlord has been ready to carry out these repairs, but access restrictions have meant that the works have not commenced. The landlord Applicants are a married couple with two very young children. Due to additional obligations placed on landlords, and financial uncertainty in the market, this has placed significant strain on the time and resources of the Applicant. They have decided that it is no longer sustainable and practical to rent out the Property and they want to exit the property market altogether. Ms Whistle said that it would not be unreasonable for the order for eviction to be suspended, taking account of the Respondent's position, for a period of a month or so.

5. Mr McGhee said that he had already confirmed that he was happy to afford access to allow the works in the bathroom to be carried out. He said that he could leave the Property between the hours of 8am to 5.30 pm to allow this, but was told this was not acceptable. He said that he had lived in the Property since 2012 and has been a model tenant. There has never been a month that he has not paid rent. Since being served with notice to quit, he has approached the local authority as well as housing associations. He said that the costs of private lets were exorbitantly high at the moment. He has been told by the local authority that he is on the waiting list for rehousing, but they cannot tell him what period of time it will take for him to be allocated a home. If the tribunal grants an order for eviction he will be homeless and will have nowhere else to go. He spoke with the local authority housing department yesterday and the day before. He has been advised to inform them of the outcome of today's hearing. The local housing associations have said that they will not be accepting any new applications until late March. He is reliant on Universal Credit. He has been told by the housing advisors at the council that he will be entitled to £96 per week towards housing costs. He has taken advice already from Shelter. He has local connections to the area where the Property is situated, including his doctors, his local job centre, and his church. His sister stays 5 minutes away from him .He is 56 years of age, and lives alone in the Property. It has not been adapted for him at all. He said that the Property has been great for him, and suits his needs. It is a two bed roomed property on the first floor. He accepted that he had received the required notices.

### **Findings in Fact**

6. • The Applicant is the owner and registered landlord of the Property.
- The parties entered into a short assured tenancy agreement on 18 June 2012 with an agreed initial period of 18 June 2012 to 18 December 2012 and monthly thereafter.
  - The Respondent was served with a valid notice to quit and section 33 notice on 23 April 2025.
  - The tenancy has come to an end.
  - Tacit relocation is not occurring.
  - The Applicant has only one rental property.
  - The Applicant wishes to sell the Property and realise the asset due to financial constraints and uncertainty in the market.

### **Reasons for Decision**

7. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal considered the notices to quit provided and the terms of the tenancy agreement. The tenancy was brought to an end by the combination of the section 33 notice and notice to quit served on the Respondent on 23 April 2025 where the notice to quit had an ish date of 18 July 2025.

8. Turning to reasonableness the tribunal was satisfied that it was reasonable in all of the circumstances to grant the eviction order. The Applicant has only one rental property and for personal reasons of financial uncertainty in the market and the stress and time and resources that it has taken to be landlords, and the fact that they have two very young children, they wish to sell. The Respondent is aware of this and has taken steps to seek alternative housing. He is a single man who lives alone in the Property and has no health conditions.

9. The Applicant accepted that it was reasonable in the circumstances for the Order for eviction to be superseded until 25 April 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.**

**Yvonne McKenna**

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**24 February 2026**

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**Legal Member/Chair**

**Date**