



**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/22/0600**

**Re: Property at 35/3 Gauze Street, Paisley, PA1 1EX (“the Property”)**

**Parties:**

**Mr Ryan McNeil, 1/1 4 Torridon Drive, Renfrew, PA4 0US (“the Applicant”)**

**Miss Gillian Brown, 35/3 Gauze Street, Paisley, PA1 1EX (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. By decision dated 3 October 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant on 5 October 2022. The Tribunal intimated the application to the parties by letter of 16 November 2022 and advised them of the date, time and conference call details of today’s case management discussion on 20 December 2022. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been

fair. The Respondent was invited to make written representations by 7 December 2022. No written representations were received by the Tribunal.

### **The Case Management Discussion (“CMD”)**

4. Both parties participated in the discussion, which took place by conference call. The Applicant explained that following the breakdown of a relationship, he was living in rented accommodation until March 2022. Since then, he has been living with family and friends. He intends to move back into the property and he gave notice to the Respondent in November 2021 of that intention. The Applicant is self employed and has decided not to live in rented accommodation any longer because the cost of doing so is too high. He had a valuation carried out by estate agents last year in order to work out his financial situation, but he does not intend to sell the property. The Respondent is not opposed to an order being granted. She lives alone in the property with her dog. There have been a couple of issues with the condition of the property and she does not want to live there any longer. She has already been in contact with the local authority, seeking alternative accommodation. She was told that she could not take her dog with her to live in temporary homeless accommodation but was then told that she may be permitted to do so.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 30 October 2020.
6. The Notice to Leave was served on the Respondent by email on 16 November 2021.
7. The Applicant intends to live in the property.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant does not have a permanent residence, having been living with family and friends since his tenancy ended in March 2022. The Respondent was not opposed to the application and did not want to continue living at the property. In light of what was said by the parties, the Tribunal found that it was reasonable to grant the order sought. The Tribunal ordered that the enforcement of the eviction order is not to take place before 17 February 2023.

### **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.

Nicola Irvine

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Legal Member/Chair

20 December 2022  
Date