

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988 (“the 1988 Act”).**

**Chamber Ref: FTS/HPC/EV/25/2455**

**Re: Property at 17B Balconie Street, Evanton, IV16 9UN (“the Property”)**

**Parties:**

**Bannerman Properties, The Burgage, Knockbreck Road, Tain, IV19 1BW (“the Applicant”) and**

**Mr Douglas Stewart, 17B Balconie Street, Evanton, IV16 9UN (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**A Anderson- Ordinary Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant the Application.**

### **Background, Case Management Discussion and Decision on 10<sup>th</sup> March 2026**

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicant had provided the Tribunal, in the Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Highland Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.
3. The Respondent, Mr Stewart, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal

on 27<sup>th</sup> January 2026, and the Sheriff Officers' Certificate of Intimation was produced.

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2pm on 10<sup>th</sup> March 2026. The Applicant's Mr R Bannerman and the Respondent, Mr Stewart, attended.
5. Mr Bannerman and Mr Stewart discussed matters with the Tribunal, and each other, candidly. Having done so they agreed that that an eviction order should be granted by the Tribunal, with a deferred enforcement date of 1<sup>st</sup> May 2026, the Applicant will not seek payment of rent arrears from Mr Stewart and Mr Stewart will withdraw his separate Application to the Tribunal (reference number CV/25/5030). They further agreed that in the event that Mr Stewart were to proceed with his separate Application, the Applicant would be entitled to pursue payment of rent arrears from him.
6. In the circumstances the Tribunal decided that it was unnecessary to hear evidence and make findings in fact and law in respect of this Application. They decided that it was reasonable to grant an eviction order, with a deferred enforcement date of 1<sup>st</sup> May 2026, as sought by the parties.

### **Decision**

7. The Tribunal granted an order for Bannerman Properties' recovery of possession of the Property as sought in the Application, with a deferred enforcement date of 1<sup>st</sup> May 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.**

# **G. McWilliams**

**Tribunal Legal Member**

**Date: 10 March 2026**