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) in respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules")

Chamber Ref: FTS/HPC/EV/25/4225

Re: Property at 59, Victory Avenue, Gretna, DG16 5AE ("the Property")

Parties:

Ms. Ruth Winifred Hughes residing at 38, Barley Close, Glenfield, Leicestershire, LE3 8SB and Ms. Rosemarie Anne Ware, residing at 6, Burnside Road, Gretna, Dumfriesshire, DG16 5AD ("the Applicants") per their agents, Harper Macleod LLP, The Ca'd'oro, 45, Gordon Street, Glasgow, G1 3PE (" the Applicants' Agents")

Ms. Melissa Crawford, residing at 59, Victory Avenue, Gretna, DG16 5AE ("the Respondent") per her agents, Shelter Scottish Housing Law Service, 116, Osborne Street, Glasgow, G1 5QH ("the Respondent's Agents")

Chamber Ref: FTS/HPC/EV/25/4225

Tribunal Members:

Karen Moore (Legal Member) and Melanie Booth (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the statutory process and the Ground for recovery of possession having been established, it is reasonable to grant the Order sought.

Background

1. By application received on 1 October 2025 ("the Application") the Applicants' Agents applied on their behalf to the Tribunal for an Order for eviction and possession of the Property based on 1 of Schedule 3 to the 2016 Act.

2. The Application comprised the following:

i) copy Notice to Leave in terms of Ground 1 of Schedule 3 to the Act with proof of issue to the Respondent;

ii) copy of a partial tenancy agreement;

iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Dumfries and Galloway Council being the relevant local authority with proof of issue and

iv) sales agreement template as evidence of intention to sell as required by the Act.

3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion ("CMD") was fixed for 8 May 2026 at 14.00 by telephone conference and intimated to the Parties. Prior to the CMD, the Respondent's Agents, on her behalf, submitted written representations setting out preliminary pleas in respect of the competence of the Application with regard to the status of the Applicants and the evidence in support of the Ground, and, stating that the Application is opposed in respect of reasonableness, with submissions in support of that position.

4. The CMD took place on 8 May 2026 at 10.00 by telephone. The Applicants were not present and were represented by Ms. Brow of the Applicants' Agents. The Respondent was not present and was represented by Mr. Ballantine of the Respondent's Agents.

5. The Tribunal explained that it required to be satisfied that the correct statutory process had been carried out, that the Ground for the Application is evidenced and that it is reasonable to grant the Order and explained that as evidence would be required to establish the facts relevant to the preliminary matters, a Hearing would be fixed.

6. The Tribunal issued a Direction with which both Parties complied.

Hearing

7. The Hearing took place on 30 October 2026 at 10.00 by Webex video call. Both Applicants were present and represented by Ms. Brow of the Applicants' Agents. The Respondent was not present and was represented by Mr. Hendrickson of the Respondent's Agents.

8. Ms. Brow and Mr. Hendrickson advised the Tribunal that the Parties had agreed a settlement of the Application and that this had been intimated to the tribunal administration on 29 October 2026.

9. The Tribunal adjourned briefly to consider that terms of the settlement which stated that the Respondent's opposition to the Application had been withdrawn and that the Parties proposed that an Order for eviction suspended to 5 March 2027 be granted.

Findings in Fact

10. The Tribunal made the following findings in fact: -

i) There is a private residential tenancy of the Property between the Parties;

ii) The correct statutory procedure has been carried out;

iii) The Applicants intend to sell the Property to alleviate financial and ill health pressures;

iv) The Respondent does not oppose the Application and

v) The Parties agree that an eviction Order is suspended until 5 March 2027.

Decision and Reasons for Decision

11. The Parties having agreed to settle the Application and the Application no longer being opposed, the Tribunal finds that it is reasonable to grant the Order sought suspended until 5 March 2027.

12. This decision is 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.

Karen Moore

_____ **30 October 2026**