



**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/24/5345**

**Property: 18 Fraser Street, Beauly, Inverness-shire IV4 7DW ("Property")**

**Parties:**

**Judith Bull, Swallowheast, Torgormack, Beauly IV4 7AQ ("Applicant")**

**Macleod & MacCallum Ltd, 28 Queensgate, Inverness IV1 1DJ ("Applicant's  
Representative")**

**David Newsome, 18 Fraser Street, Beauly, Inverness-shire IV4 7DW  
("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Sandra Brydon (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber)  
("Tribunal") determined that an order for possession of the Property should be  
made.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Short Assured Tenancy Agreement which commenced on 15 May 2014; AT5 dated 11 April 2014; Notice to Quit dated 10 May 2024 and Notice in terms of section 33 of the Housing (Scotland) Act 1988 ("1988 Act") dated 10 May 2024, both addressed to the Respondent; Royal Mail proof of delivery on 11 May 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 20 November 2024; death certificate for Gerald Michael Bull; mandate from Susan Christie, joint owner of the Property, confirming the application could proceed in the Applicant's sole name; letter from Your Move dated 22 October 2024 indicating the average value of properties in the areas where the Applicant wishes to purchase; letter from Macleod & MacCallum dated 29 October 2024 providing a valuation for the Applicant's home

address; offer from Munro & Noble Solicitors dated 21 June 2024 to purchase the Property; letter from Your Move dated 9 September 2024 stating the rental value for the Property and sheriff officer execution of service confirming service of the application on the Respondent on 25 March 2025. On 31 March 2025 the Applicant's Representative lodged a written submission from Susan Christie, the joint owner of the Property.

### **Case Management Discussion ("CMD")**

A CMD took place before the Tribunal by conference call on 16 June 2025. The Applicant was represented by Alice Bruce of the Applicant's Representative. The Respondent was not in attendance. The tribunal noted the full information provided in the "paper apart" lodged with the application and also the detailed information provided in the written submission received from Ms Christie. In summary, the Tribunal noted that both the Applicant and Ms Christie wish to sell the Property in order to finance a move from their current homes to a property more suited to their needs. Ms Bruce told the Tribunal that the applicant is aged 72.

Ms Bruce said that there had been no recent contact between the Applicant and the Respondent. She said that the Applicant had attempted to assist the Respondent to find alternative accommodation. She had suggested he contact the Citizen's Advice Bureau and she had offered that he keep the furniture in the Property if he identified alternative accommodation which was not furnished but the Respondent had not taken up the offers of assistance. Ms Bruce told the Tribunal that the Applicant thought the Respondent may be aged 69. She said that the Respondent had suffered a heart attack. The Applicant could not recall the precise date but she thought this may have happened in February 2025. She said that Your Move manage the tenancy so she could not tell the Tribunal much regarding the conduct of the tenancy but she was aware that the Police had to carry out a welfare check after it was reported that the curtains in the Property remained closed for an extended period. She said the Police attended the Property and all was well.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a short assured tenancy agreement which commenced on 15 May 2014.
2. The tenancy was for the period 15 May 2014 to 14 November 2014 and two monthly thereafter.
3. A Notice to Quit dated 10 May 2024 was served on the Respondent on stating that the tenancy would terminate on 14 July 2024.

4. A Notice in terms of Section 33 of the 1988 Act dated 10 May 2024 was served on the Respondent on stating that possession of the property was required on 14 July 2024.
5. The tenancy reached its *ish* on 14 July 2024 and is not continuing by tacit relocation.
6. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 33 of the 1988 Act. The Tribunal noted that the tenancy had been properly created as a short assured tenancy and that a Section 33 Notice and Notice to Quit had been served on the Respondent giving two months' notice that the Applicant required possession of the Property.

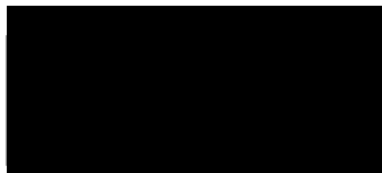
Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to grant and order for possession of the Property.

### **Decision**

The Tribunal grants an Order for possession of the Property.

### **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.**



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**Joan Devine**  
**Legal Member**

**Date: 16 June 2025**