

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)**

Chamber Ref: FTS/HPC/EV/25/0433

Re: Property at 60 Bogton Road, Forres, IV36 1BJ (“the Property”)

Parties:

Mrs Marie Fraser, Sydney Villa, Thornhill Road, Forres, IV36 1LW (“the Applicant”)

**Miss Lesley Watts, Ms Gwyneth Bowman, 60 Bogton Road, Forres, IV36 1BJ
 (“the Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 26th October 2022 the Applicant let the Property to the Respondents.
2. A notice to leave dated 16th October 2024 was served upon the Respondents. The notice to leave intimated that vacant possession was sought as the Applicant intended to reside in the Property as her main residence.
3. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
4. An affidavit from the Applicant was provided to the tribunal stating it was the intention of the Applicant to reside in the Property as her main residence for not less than 3 months.
5. A separate hand written letter from the Applicant, providing further details of her intentions and her reasons, was provided also.

6. The Respondents provided written submissions in advance of the Case Management Discussion which, while taking issue with some of the information provided, confirmed that there was no opposition to the application.

THE CASE MANAGEMENT DISCUSSION

7. The Applicant was represented at the case management hearing by Miss Elaine Long of Grampian Property Centre. Both Respondents attended the case management discussion by teleconference and were represented by Miss S Hayward of Morry Citizens Advice Bureau.
8. Miss Long moved the Tribunal to grant an eviction order on the basis the Applicant wished to occupy the Property as her main residence. On behalf of the Respondents who, as stated, were in attendance. Miss Hayward confirmed that there was no opposition to this. Miss Hayward advised the tribunal that the Respondents have already been taking steps to secure alternative accommodation and that an eviction order would be of assistance in securing homeless accommodation from the local authority. Miss Hayward did not wish to provide any further information to the tribunal in relation to the personal circumstances of the Respondents and, as stated, did not oppose an eviction order being granted. In the circumstances, there being no opposition to the application, the tribunal granted an order for eviction.

DECISION

The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 4 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 13th October 2025

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.

Virgil Crawford

5th September 2025

Legal Member/Chair

Date

Virgil Crawford