



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/25/1941

Re: Property at Easter Drumine Cottage, Dunphail, Forres, IV36 2QG (“the Property”)

Parties:

Mr Kevin Begg, Mrs Suzanne Begg, 1 Keepers Cottage, Lochindorb, Grantown on Spey, Morayshire, PH26 3PY (“the Applicants”)

Mr Ian Dade, Mrs Lindsay Dade, Easter Drumine Cottage, Dunphail, Forres, IV36 2QG; 2 Malton Road, Rillington, Malton, North Yorkshire, YO17 8LS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondents by Sheriff Officers on 13 October 2025. The hearing took place by teleconference on 17 November 2025 at 10.00 am. The applicants joined the hearing and represented their own interests. The respondents failed to participate.

Findings and Reasons

The property is Easter Drumine Cottage, Dunphail, Forres IV36 2QG. The applicants are Mr Kevin Begg and Mrs Suzanne Begg who are the heritable proprietors of the

property and the registered landlords. The respondents are Mr Ian Dade and Mrs Lindsay Dade who are the tenants. The parties entered into a private residential tenancy in respect of the property which commenced on 1 June 2019.

The applicants rely upon ground 4 of schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to live in the let property. The notice period was one of 84 days. The notice to leave is dated 7 January 2025 and stipulates that the earliest an application be submitted to the tribunal would be 1 May 2025. The respondent received the notice to leave personally on 9 January 2025. Sufficient statutory notice was given.

The applicants have submitted affidavits dated 13 June 2025 confirming that they will occupy and live at the property as their permanent accommodation. They are currently residing in a tied property connected to the first applicant's employment. He is 59 years of age. The property which is the subject of this application was built by the applicants for the applicants' retirement. There have been changes to the estate and their current home has been earmarked for another family. The tribunal was satisfied based on the credible and reliable unchallenged evidence produced that it is the applicants' genuine intention to live in the let property. They do not own any other properties

The tribunal proceeded to consider the issue of reasonableness. The second respondent removed from the property some time ago. The first respondent lives there with three teenage children, one of whom has additional support needs. He is not opposed to the application. A Section 11 homelessness notice has been issued to the local authority. The first respondent and his family will be provided with alternate accommodation.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order. The tribunal extended the standard period before any eviction can be implemented to take account of the first respondent's circumstances and those of his children. The date specified will be two months from today, namely 16 January 2026. This is fair and proportionate.

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.

Richard Mill

17 November 2025

Legal Member/Chair

Date