



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 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Re: Property at 73 Braeside Park, Balloch, Inverness, IV2 7HN (the Property)

Parties:

Ms Lesley Harrison and Mr David Meek, 21 Globe Park, Broxburn, EH52 6EF (the Applicants)

Mr Peter Fraser, 73 Braeside Park, Balloch, Inverness, IV2 7HN; and Ms Bonnie Campbell 38 Callum Crescent, Chapelton, Inverness, IV2 7DB (“the Respondents)

Tribunal Members:

**Ms. Susanne L. M. Tanner K.C. (Legal Member)
Mr. Robert Buchan (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicants, namely the landlord is entitled to sell the let Property and intends to sell it for market value or at least put it up for sale within three months of the tenants ceasing to occupy it; and that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicants made an application to the tribunal on 18 November 2024 in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicants seek an order for eviction of the Respondents from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the tenants ceasing to occupy it.
3. The Applicants lodged with the Application:
 - 3.1. Tenant agreement;
 - 3.2. Notice to Leave;
 - 3.3. Notice to Local Authority and evidence
 - 3.4. Tenant /occupier details;
 - 3.5. Applicant details;
 - 3.6. Income and Expenditure spreadsheet;
 - 3.7. Interest rate history;
 - 3.8. Rent increase rejection letter;
 - 3.9. Mortgage statement;
 - 3.10. Find a better mortgage deal letter;
 - 3.11. Bad credit mortgage interest rates letter; and
 - 3.12. Document marked 'private and confidential'
4. The tribunal's administration obtained the Title Sheet for the Property on 19 November 2024 which showed that the Applicants have been registered proprietors of the Property since 1 April 2008.
5. The tribunal's administration confirmed that the first Applicant, Miss Harrison, is registered as the landlord of the Property with Landlord Registration Scotland.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 4 July 2025 of the date, time and place of Case Management Discussion (CMD) in relation to the Application. The Respondent was invited to make written representations in response to the Application by 25 July 2025. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do

not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was personally served on the Respondents by Sheriff Officers.

7. The Second Respondent Miss Campbell sent representations to the tribunal on 29 July 2025 and they were sent to the Applicants on 1 August 2025.
8. The CMD was postponed on the application of the Applicants.
9. A CMD was fixed for 28 November 2025 at 1000h by teleconference. The Applicants and the Second Respondent Ms Campbell were notified of the date and joining details by email. Notification was sent to the First Respondent Mr Fraser by recorded delivery (however, the clerk confirmed on 28 November 2025 that the letter had been returned by Royal Mail on 24 November 2025).
10. On 6 November the First Applicant, Miss Harrison, requested all documents submitted by the Respondents to the tribunal.
11. The tribunal confirmed that the Applicants had received the communication of 29 July 2025 and that nothing else had been submitted.
12. On 17 November 2025 (sent to the other parties on 24 November 2025) the Applicant submitted representations to the tribunal, including a new address for the second Respondent, Ms Campbell. An updated rental statement was also produced. The tribunal's administration updated the Case Management System with the new address.

Case Management Discussion (CMD) 28 November 2025, 1000h: Teleconference

13. Both Applicants attended.
14. Both Respondents attended.

Amendment of the Application

15. Following discussion with the tribunal about title and interest to make the application and the registered proprietors shown on the title sheet obtained by the tribunal's administration, the Applicants moved to amend the Application to proceed in the names of Miss Lesley Harrison and Mr David Meek, 21 Gloag Park, Broxburn, EH52 6EF. There was no objection by the Respondents to the application to amend.

16. The tribunal allowed the Application to be so amended. The tribunal clerk updated the tribunal's Case Management System.

Respondent's submissions in response to the Application

17. The Second Respondent, Ms Campbell confirmed that the application for eviction order is not opposed. She has already moved out of the Property following relationship breakdown with Mr Fraser. Their two children reside with her.

18. The First Respondent, Mr Fraser, originally stated that the application for eviction order was opposed. He told the tribunal that he was ex-armed forces, had suffered mental health issues and had lost his job but was due to start a new job next week. He later stated (after hearing submissions from the First Applicant, Miss Harrison, about the Property running at a significant annual loss, see below) that he did not oppose the tribunal making the eviction order but he was concerned about the 30 day period for enforcement and being made homeless over the Christmas and New Year period. He stated that he had registered with the local authority for alternative housing and had been told that the authority would arrange temporary housing if and when an eviction order is made; and look for suitable alternative housing.

19. Mr Fraser asked if the tribunal could defer enforcement of the order for a few days to allow him to find suitable alternative accommodation and move after Christmas and New Year.

20. Mr Fraser agreed that the total rent arrears currently outstanding are £2625.00 with a further payment of £750.00 due on 1 December 2025, less a credit of £170.00 which should be shown on the statement due to a prior drains issue (Miss Campbell also confirmed this). He stated that he is receiving financial assistance from the Army Benevolent Fund as he is ex-forces. He read out a letter received on 26 November 2025 from the fund in which it was stated that he was receiving an award for £3278.00 in respect of rent arrears for the Property; and that Poppy Scotland were providing a fridge.

21. Mr Fraser also mentioned issues in relation to dampness in the Property and said that the Notice to Leave had been issued following an appeal against rent increase which was successful. The tribunal noted the issues but also noted that Mr Fraser is no longer opposing the eviction other than the date for enforcement.

Submissions by Applicants

22. Miss Harrison was asked to explain the rental statement which had been produced as it did not reflect payments made in July 2025 and August 2025. Miss Harrison

accepted that the statement was confusing. She explained that half the rent was received in July 2025 (£375.00) from Ms Campbell but that the balance was not paid. She accepted that the full rent should have been shown in the 'rent due' column and that Ms Campbell's payment should have been shown in the 'paid' column. She also explained that it was a mistake the August 2025 entry was missed off the statement. She said that payment of the rent of £750.00 was made in full. She accepted that this should have been shown as 'rent due' and 'rent paid'. Nevertheless, she submitted that the total figure shown of £2625.00 is the current rent arrears and that a further payment of £750.00 is due on 1 December 2025 (which were the figures agreed by the First Respondent, above.)

23. Miss Harrison stated that she and Mr Meek intend to sell the Property or at least market it for sale within three months of obtaining vacant possession. She referred to the spreadsheet they lodged (bundle, page 24). The annual rent is £9600.00. The annual outgoings including tax are £12,174.72. The property is running at a loss of £2574.72 and even then that is on the basis that rent is paid when in fact there are substantial rent arrears. She stated that she is 60 and intending to exit the rental market completely. They are taking steps to sell all of their properties (around 35). They have sold six to eight in the last 18 months. They normally deal with sale themselves but intend to appoint an agent for this property due to location. This has been identified as a priority for sale because it is running at a loss and because of its location relative to where they live. She said they cannot sustain the mortgage payments and that the mortgage is due to increase at the end of the fixed period. The Property is at risk of repossession.
24. In relation to timing of enforcement, Miss Harrison originally opposed a five day extension to 3 January 2026 but then changed position and stated she would agree if the tribunal decided to grant the eviction order.

Respondent's further submissions

25. As stated above, Mr Fraser changed his position and said that he had not realised the Property was running at a loss. He no longer opposed the Application but wished the tribunal to consider the deferred date of 3 January 2026 for enforcement.

26. The tribunal makes the following findings-in-fact:

- 26.1. The Applicants are the registered proprietors of the Property.
- 26.2. The Applicants entered into a private residential tenancy with the Respondent for the Property with a start date of 29 February 2020.
- 26.3. The Applicants require to sell the Property with vacant possession.

- 26.4. The Property runs at an annual loss of £2574.72, if rent is received.
- 26.5. The rent arrears as at 28 November 2025 are £2625.00.
- 26.6. Rent of £750.00 is due on 1 December 2025.
- 26.7. Notice to Leave has been served on the Respondents on 13 August 2024 under Ground 1 of Schedule 3.
- 26.8. The Second Respondent, Miss Campbell, moved out of the Property in or around June 2025 following a relationship breakdown with the First Respondent.
- 26.9. The Respondents' two children live with Miss Campbell.
- 26.10. Mr Fraser continues to reside in the Property.
- 26.11. Mr Fraser has received an award of £3278 from the Army Benevolent Fund to assist with rent arrears and is expecting a cheque in or around December 2025 which will be paid to the Applicants.
- 26.12. The first Respondent, Mr Fraser has registered with the local authority for suitable alternative accommodation and/or temporary accommodation if he is evicted.
- 26.13. The first Respondent needs additional time to identify a property and move out of the Property which allows for the festive period.

Discussion

- 27. The Application for an order for eviction was not opposed. The First Respondent sought a deferral to 3 January 2026 for enforcement of any eviction order. The Applicants agreed to the deferral.
- 28. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
- 29. The tribunal was satisfied that in all the circumstances, including the agreement of the parties about deferral to 3 January 2026 that it was reasonable to make an order for eviction and to delay the date for enforcement to 3 January 2026.
- 30. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act.

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.

28 November 2025

**Ms. Susanne L. M. Tanner Q.C.
Legal Member/Chair**