

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/25/2333

**Re: Property at 12A COUTTS BUILDING, GOLF ROAD, BALLATER,
ABERDEENSHIRE, AB35 5RE ("the Property")**

Parties:

**MRS LUCINDA ALYS FERNIE, POLMONIER COTTAGE, BALMORAL,
BALLATER, ABERDEENSHIRE, AB35 5TB ("the Applicant")**

**MISS SARAH KATHARINE NGOCHINYA, MR SAMUEL HENRY HOLLANDS, 12A
COUTTS BUILDING, GOLF ROAD, BALLATER, ABERDEENSHIRE, AB35 5RE;
("the Respondents")**

Tribunal Members:

Virgil Crawford (Legal Member) and Angus Lamont (Ordinary Member)

Decision

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

1. By lease dated 6th July 2023 the Applicant let the Property to the Respondents.
2. A notice to leave dated 7th March 2025 was served upon the Respondents. This notice intimated that the landlord sought possession of the Property as she intended to sell the Property. Documentation had been provided to the Tribunal to evidence the intention to sell.
3. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
4. On 2nd June 2025 the Applicant presented an application to the Tribunal seeking an order for eviction.

5. In advance of the Case Management Discussion the Respondents lodged representations with the Tribunal. The representations indicated that the application for an eviction order was opposed.

THE CASE MANAGEMENT DISCUSSION

6. The Applicant did not participate personally in the Case Management Discussion but was represented by Miss Fyfe of Messrs Laurie and Co. Solicitors, Aberdeen. The second named Respondent, Mr Samuel Hollands, participated and represented the interest of both Respondents.
7. Miss Fyfe moved the Tribunal to grant an order for eviction.
8. Miss Fyfe advised the Tribunal that the Applicant currently rents out three properties, those being 12A, 12B and 12C Coutts Building. This application, of course, relates to the Property at 12A. The Applicant previously owned the property at 14A Coutts Building but that has now been sold.
9. The Applicant is now working in Balmoral and wishes to sell all properties owned by her and does not intend to continue as a landlord.
10. Mr Hollands advised the Tribunal that, contrary to the written submissions previously forwarded to the Tribunal, there was no objection in principle to an eviction order being granted. He indicated that he and Miss Ngochinya are content to leave the Property voluntarily and have been taking steps to secure alternative accommodation. While they had previously intended opposing the application, that was no longer their position.
11. Mr Hollands pointed out that his place of employment is in a remote location. It is difficult for him to maintain his employment and the current tenancy.
12. He lives at the Property with his partner. There are no children of the relationship. He is in employment. His partner is unable to work for health reasons.
13. Subject to being allowed time to secure alternative accommodation, the Respondents are now willing to consent to an eviction order being granted.
14. For the avoidance of any doubt, Mr Hollands did not wish to advance any matters in support of an argument that it was unreasonable for an eviction order to be granted.
15. After discussion, Miss Fyfe confirmed that, if an eviction order was granted, there would be no opposition to the enforcement date being deferred. In the circumstances, and with the agreement of the Parties, the Tribunal granted an order for eviction. The earliest day upon which it may be enforced, if necessary, is 30th January 2026.

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 1 of Schedule 3 of Schedule 3 of said Act.

Order not to be executed prior to 12 noon on 30th January 2026

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

31st October 2025

Legal Member/Chair

Date