

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/25/2116

Re: Property at Upper Auchairn, Cairnie, Huntly, AB54 4UA (“the Property”)

Parties:

**Mrs Anne Elizabeth Cameron, Mr Charles Cameron, Montgrew, Grange, Keith,
AB55 6LE (“the Applicant”)**

**Mrs Shona Forbes, Upper Auchairn, Cairnie, Huntly, AB54 4UA (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Eileen Shand (Ordinary Member)

Decision

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

BACKGROUND

1. By lease dated 2nd March 2015 the Applicant let the Property to the Respondent. The lease is a short assured tenancy.
2. On 10th February 2025 the Applicant served a Notice to Quit and a Notice in terms of s33 of the Housing (Scotland) Act 1988 upon the Respondent.
3. The Applicant subsequently presented an application to the Tribunal seeking an order for eviction.
4. The application to the Tribunal gave notice that the Applicant intended to sell the Property.

5. A notice in terms of s11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

6. The Applicant was represented at the case management discussion by Mr M Kingdom of Peterkins Solicitors. The Respondent participated personally.
7. Mr Kingdom advised that the Applicants wished to sell the Property to downsize for their retirement.
8. The Respondent did not oppose the application in principle. She did not dispute the intention to sell. She simply requested a period of time be allowed to enable her to obtain suitable accommodation from the local authority. She advised that she had already taken steps to engage with the local authority for that purpose.
9. The Respondent is 65 years of age. She resides at the Property herself. She has lived there since 7th May 2015.
10. She advised that she suffers from depression and has trouble with a bad back. She also has problems with her leg. Her mobility is, therefore, affected. She did not wish to advance these matters in opposition to oppose the application.
11. The Property is a farmhouse. It has 2 bedrooms. The Property is over 2 floors. The size and layout of the Property are such that it would be preferable for the Respondent if she was able to secure smaller, alternative accommodation elsewhere. The Respondent advised that she will be entitled to a one-bedroom Property from the local authority which would suit her needs.
12. The Respondent has engaged with the local authority and all local housing associations. As stated, she is hopeful she will be allocated suitable accommodation but would wish a period of time to enable that to happen.
13. Following discussion, Mr Kingdom, on behalf of the Applicants, confirmed that the Applicants would have no objection to an eviction order being granted with the date of enforcement being deferred.
14. In the circumstances, and by agreement of the Parties, the Tribunal granted an order for eviction. The earliest date of enforcement, if necessary, will be 30th January 2026.

DECISION

The Tribunal granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

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

Legal Member/Chair

10 November 2025

Date