



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/25/2693

Re: Property at 15 Craigdimas Grove, Dalgety Bay, Fife, KY11 9XR (“the Property”)

Parties:

Mr Dhanesh Maraye, Mrs Neeveditah Pariag-Maraye, 68A Hepburn Gardens, St Andrews, Fife, KY16 9DQ; 68 Hepburn Gardens, St Andrews, Fife, KY16 9DQ (“the Applicant”)

Ms Melissa Ross, 15 Craigdimas Grove, Dalgety Bay, Fife, KY11 9XR (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 4 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. An application had been received under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.
2. The application included: -

- a. Tenancy agreement,
 - b. Notice to leave with evidence of service.
 - c. Section 11 Notice with evidence of service
 - d. Statement by landlord
 - e. Rent statement
3. The applicant's agent, Mr Gardiner from Messrs. Lindsays, appeared. The respondent also appeared at the case management discussion on 17 February 2026.

Discussion

4. The applicant's agent advised that he was seeking,
 - a. an order for recovery of the possession of the property under ground 4 (landlord intends to live in the property).
 - b. to amend the payment order to £18,995.89.
 - c. interest on the payment order of 4%.
 - d. He only sought an order for eviction and payment against the first respondent, Melissa Ross. The other tenant previously referred to had vacated the property and that tenancy had ended, and a new one had been created in November 2024.
5. The first respondent advised that she did not oppose the order for eviction. She also did not oppose amending the payment order to £18,995.89 or the imposition of interest at 4%. Finally, she was not opposed to these proceedings being sought only against her.
6. The applicants' agent advised that prior to the notice to leave having been served in November 2024, the second respondent had left the property. The tenants had indicated that they were terminating the tenancy in October 2024. The second respondent did leave. The tenancy would terminate on 4 November

2024. The first respondent asked to stay until 20 November 2024. She paid rent on 11 November 2024. Ms Ross had then remained in the property. Ms Ross made no further payment of the rent. There had been no payment to the arrears.

7. The agent referred to the detailed statements provided by the applicants, which explained their circumstances and why they wished to return to their property.
8. The respondent said nothing in opposition to anything that was said by the agent.

Findings in Fact

9. The Tribunal found the following facts established: -
10. There existed a private residential tenancy between the Applicant and the Respondent. There had been two tenants in the property until October 2024. In October 2024, they had given notice that they were leaving. On 4 November 2024, Ms Ross said she could not leave. Then other tenant left on that date. Ms Ross asked to remain until 20 November 2024. On 11 November 2024 she paid £604.11 in rent. A new tenancy was created on that date. She did not vacate on 20 November 2024. She paid no further rent after that date.
11. The tenant was Melissa Ross.
12. The landlord was Dhanesh Maraye and Neeveditah Pariag-Maraye.
13. The property is 15 Craigdimas Grove, Dalgety Bay, Fife.
14. There was submitted a notice to leave dated 19 November 2024, stating that an application would not be made until 17 March 2025. It sought eviction under ground 4. There was evidence of service.
15. A section 11 notice had been sent to the local authority advising that the landlord was seeking possession of the property. There was evidence of service of that notice.

16. The landlord intended to move back into the property. They are residing in temporary accommodation. Their belongings are in storage. They are detrimentally financially impacted by the ongoing rent arrears. They had no other property to move to.
17. There are rent arrears of £18,995.89 due by the tenant. Her last payment to rent was 11 November 2024. She makes no offer to pay rent or arrears.

Reasons for Decision

18. Section 51 of the 2016 Act provides the Tribunal with a power to grant an order for eviction for a private residential tenancy, if it finds that one of the grounds in Schedule 3 of the Act applies.
19. The ground on which the Applicant seeks eviction are

Landlord intends to live in property

4 (1) It is an eviction ground that the landlord intends to live in the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

- (a) the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months, and
- (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.]

(3) References to the landlord in this paragraph—

- (a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,
- (b) in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.

(4) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the landlord has that intention.

20. The applicant's agent appeared. The respondent appeared. The landlords set out why they wanted to move back into the property. They had moved to St Andrews for their children's schooling. Their children had now gone to University. The landlord wished to return to the property. It is most financially

suitable for them. They have no other property to move to. They have been living with friends and also renting temporary properties since they had served the notice to leave. They did not have a suitable place to live. The respondent had indicated that she would move out on 20 November 2024. She did not. She has paid nothing to rent since 11 November 2024. She made no offer to repay the rent or arrears. She failed to explain why she had made no payments. We find that the application meets the tests set out in ground 4.

21. We also consider it would be reasonable to grant the order for eviction. Our reasons for doing so are that: the respondent does not oppose the order being granted; the respondent now owes nearly £20,000 of rent arrears; the applicants have now given considerable notice for the tenant to leave, she has not left; it is the applicants' principal home, and they wish to return to live there. The ongoing situation is causing the applicants' detriment.

Decision

22. The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 4 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

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.

Melanie Barbour

24th February 2026

Legal Member/Chair

Date