

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/25/2089**

**Re: Property at 29 Spynie Place, Lossiemouth, Moray, IV31 6LH (“the Property”)**

**Parties:**

**Mr David MacBeath, 1 Fairfield Avenue, Elgin, Morayshire, IV30 6BB (the Applicant”) and**

**Friends Legal, 38 Queen Street, Glasgow, G1 3DX (“the Applicant’s Representative”) and**

**Mr Richard Colville and Mrs Gillian Colville, 29 Spynie Place, Lossiemouth, Moray, IV31 6LH (“the Respondents”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**D Wooley - Ordinary Member**

**Decision**

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

**Background**

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicant, Mr MacBeath, through his Representative, had provided the Tribunal, in his Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Moray Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant

legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondents, Mr and Mrs Colville, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 24<sup>th</sup> March 2026, and the Sheriff Officers' Certificate of Intimation was produced.

### **Case Management Discussion on 5<sup>th</sup> May 2026**

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10.00am on 5<sup>th</sup> May 2026. The Applicant Mr MacBeath as well as his Representative's Ms L Cameron and the Respondents, Mr and Mrs Colville, attended.
5. Mr MacBeath, Ms Cameron and Mr and Mrs Colville discussed matters with the Tribunal, and each other, candidly. Ms Cameron stated that Mr MacBeath no longer wishes to be a landlord and wants to reside in the Property. She said that he does not wish to renew his Landlord Registration, when it falls for renewal on 26<sup>th</sup> June 2026. Mr and Mrs Colville stated that they have applied to Moray Council and a Housing Association for a tenancy and have been told by housing officers that the grant of an eviction order will give their applications priority. Mr MacBeath, Ms Cameron and Mr and Mrs Colville agreed that that an eviction order should be granted by the Tribunal, with a deferred enforcement date of 19<sup>th</sup> June 2026.

### **Decision**

6. In the circumstances the Tribunal decided that it was unnecessary to hear evidence and make findings in fact and law in respect of this Application. They decided that it was reasonable to grant an eviction order, with a deferred enforcement date of 19<sup>th</sup> June 2026, as sought by the parties and Ms Cameron.

### **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.**

**G McWilliams**

**Tribunal Legal Member**

**5<sup>th</sup> May 2026**

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**Date**

