

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) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/5560

Re: Property at Fort Reay, Sandown Farm Lane, Nairn, IV12 5NE (“the Property”)

Parties:

Mr William Macleod and Mrs Juliet Macleod, Vane Court Farm, Smarden Road, Bibbenden, TN27 8JT “the Applicants”) and

Swarbrick Law, Unit 18/5 Spey Valley Business Park Dalfaber Industrial Estate Aviemore, PH22 1ST (“the Applicant’s Representative”) and

Mr Jarvis Morrison, Fort Reay, Sandown Farm Lane, Nairn, IV12 5NE (“the Respondent”) and

Nairn Citizens Advice Bureau, 58 King St, Nairn, IV12 4DN (“the Respondent’s Representative”)

Tribunal Members:

**G McWilliams- Legal Member
A Khan - Ordinary Member**

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Background and Case Management Discussion on 30th July 2026

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 Applicants’ Representative had provided the Tribunal, in the 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 Highland 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. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2pm on 30th July 2026. The Applicant Mr Macleod, his Representative's Mr D Swarbrick and the Respondent's Representative's Ms K Cousins attended. Ms Cousins stated that the Respondent Mr Morrison could not attend the CMD as his baby daughter was born in the morning of 30th July 2026.
4. Mr Swarbrick and Ms Cousins discussed matters with the Tribunal candidly. Mr Swarbrick stated that Mr and Mrs Macleod wish to recover the Property as they cannot sustain their continuing financial loss due to Mr Morrison's non-payment of rent. He said that Mr Morrison now has rent arrears of £10,200. Ms Cousins stated that Mr Morrison has been given a positive decision in respect of his application to Highland Council for social housing accommodation. She said that the grant of an eviction order will give his application priority. Having discussed matters, and following a pause in the CMD during which Ms Cousins obtained further instructions from Mr Morrison, she and Mr Swarbrick agreed that an eviction order should be granted by the Tribunal, with a deferred enforcement date of 28th September 2026.

Decision

5. 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 28th September 2026, as sought by the parties.

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.

30th July 2026

Legal Member

Date

