



**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/25/5530

Re: Property at 90 Morvich Way, Inverness, IV2 4PH (“the Property”)

Parties:

**Mr Murdoch Macleod and Mrs Margaret Macleod, 8 Sutors Rise, Nairn, IV12 5BU
 (“the Applicants”)**

**Mr Kaiser Ambiya Deepo and Mrs Hasima Ferdoushe Ambia, 90 Morvich Way,
Inverness, IV2 4PH; 90 Morvich Way, Inverness, IV2 4PH (“the Respondents”)**

Tribunal Members:

Gillian Buchanan (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

At the Case Management Discussion (“CMD”) which took place by telephone conference on 21 July 2026, the Applicants were not present but were represented by Ms Megan Rice of Harper Macleod. The First Respondent was not in attendance but the Second Respondent attended and both Respondents were represented by Mr Ron Mackenzie of Inverness Badenoch & Strathspey Citizens Advice Bureau.

Prior to the CMD the Tribunal had received from Mr Mackenzie an email dated 2 July with representations for the Respondents.

The Tribunal had also received an email from the Applicant’s representative dated 20 July 2026.

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

Background

The Tribunal noted the following background -

- i. The Applicants are the heritable proprietors of the Property.
- ii. The application concerns a Private Residential Tenancy (“the PRT”) entered into between the Applicants and the Respondents relative to the Property that commenced on 27 April 2018.

- iii. On 24 April 2025, the Applicants' agents served on the Respondents by email a Notice to Leave requiring the Respondents remove from the Property by 20 July 2025. The Notice to Leave proceeds on the basis of Ground 1 of Schedule 3 of the 2016 Act.
- iv. The Applicants per their agents have served on Highland Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

At the outset of the Hearing the Tribunal noted the terms of Mr Mackenzie's email on behalf of the Respondents dated 2 July 2026 and that whilst the Respondents had no objection to an eviction order being granted they sought to have the Tribunal suspend the enforcement of that order for a period of 60 days. The Applicants oppose the suspension of any eviction order granted.

For the Respondents

Mr Mackenzie for the Respondents stated that Highland Council does not consider any homelessness duty to arise until after an eviction order is granted. Once an order is granted the Council will consider only temporary accommodation.

Whilst the Respondents accept the process to be elongated there are no rent arrears.

The Respondents have looked at mid-market rental properties. However, demand is enormous with hundreds of applications for any property which comes on the market, which happens only rarely. With the grant of an eviction order the Respondents will be awarded at an additional 70 points towards any application which will improve their prospects to some extent.

Given that the application process with Highland Council will only start today after the CMD, further time is required.

The Respondents have considered renting in the private sector but a three bedroomed house costs £1200-£1500 per month which is a financial stretch for them.

For the Applicants

Ms Rice for the Applicants referred to her email of 20 July 2026. She stated that the eviction process has been ongoing since February 2025. At that time the Applicants communicated to the Respondents their intention to sell the Property and that a Notice to Leave would follow. The Respondents advised the Applicants that serving the notice at that time would cause significant disruption to the Respondents' youngest child, who was due to sit their exams at the time the Notice would have expired. To accommodate the Respondents and minimise disruption to the Respondents' children's exams, the Applicants delayed serving the Notice until April 2025 which meant the Notice would expire during the Summer holidays.

Ms Rice confirmed the First Applicant had no set retirement date. He is 64 years of age and is selling the Property to plan for his retirement. The accommodation in which the Applicants currently reside and which is provided by the First Applicant's employer has been their home since 2008. They have not been asked to leave.

The Tribunal noted to Ms Rice that the case papers were incomplete in that pages 66 and 67 of the Applicants' First Inventory of Productions were missing (evidencing service of the Notice to Leave on the Respondents) along with pages 70 and 71 of the Applicants' Inventory of Productions (being the second and any subsequent page of the Affidavit of Alana White).

The Tribunal briefly adjourned to consider the parties' competing positions on the proposed suspension of the eviction order which the parties were agreed should be granted.

Reasons for Decision

The Respondents consent to an eviction order being granted in favour of the Applicants.

The Tribunal considered the Respondents' request that the Tribunal suspend the enforcement of the eviction order for a period of 60 days in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017 together with the Applicants' opposition thereto.

The Respondents have taken housing advice. Their rent is up to date. They seek alternative accommodation in the public or mid-market rental sectors. Accommodation in the private sector is unaffordable. Highland Council will not consider any homelessness application by the Respondents until an eviction order is granted. This is outwith their control. Their homelessness application can only begin after the CMD. Whilst the suspension of the order delays the Applicants recovery of possession of the Property, the period of suspension sought is not unreasonable, there is no pressure on the Applicants to remove from their current accommodation and they are retirement planning but with no fixed date to work towards.

Balancing the parties' respective interests and conditional upon the Tribunal having sight of the missing pages of the Applicants' First Inventory of Productions and the information continued therein being in order, the Tribunal considered it fair and reasonable to grant the period of suspension of 60 days sought to allow the Respondents dialogue with Highland Council to commence relative to the provision and availability of temporary accommodation.

Additional Documents Produced

Subsequent to the CMD and by email dated 29 July a colleague of Ms Rice lodged with the Tribunal a full and complete copy of the Applicants' First Inventory of Productions.

The Tribunal was therefore satisfied that the Notice to Leave had been properly served on the Respondents and as to the terms of the Affidavit of Alana White.

Decision

The Tribunal grants an eviction order against the Respondents in favour of the Applicants in terms of Ground 1 of Schedule 3 of the 2016 Act with enforcement of the order suspended until 4 October 2026 in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017.

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.

Legal Member/Chair

Gillian Buchanan

5 August 2026

Date