

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 11 of the Rent (Scotland) Act
1984**

Chamber Ref: FTS/HPC/EV/19/1547

Re: Property at 132 Culduthel Road, Inverness, IV2 4EF (“the Property”)

Parties:

**Mr Hugh John MacDonald, 15 Gollanhead Avenue, Rosemarkie, Ross-shire,
IV10 8UG (“the Applicant”)**

**Mr John Martin, The Bothy, West Torbreck, Inverness, IV2 6DJ (“the
Respondent”)**

Tribunal Members:

Helen Forbes (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for possession of the Property should be
granted in favour of the Applicant.**

Background

This is an application for an order for possession under Cases 1, 3 and 6 of Part I of Schedule 2 to the Rent (Scotland) Act 1984 (“the Act”). The application, dated 20th May 2019, was made in terms of Rule 77 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”).

At a Case Management Discussion on 30th August 2019, the case was conjoined with another case involving the same parties – case ref: FTS/HPC/CV/19/1548. Both cases were set down for a hearing.

The Hearing

A hearing took place at the Mercure Hotel, Church Street, Inverness, on 28th and 29th October 2019. The Applicant was not in attendance, due to ill health. He was represented by Mrs Laura McCarthy, Solicitor. She was accompanied by the Applicant’s son, Mr Ian MacDonald, and the Applicant’s daughter, Ms Jennifer

MacDonald. Ms MacDonald was an observer and took no part in the proceedings. The Respondent was in attendance and was accompanied by Mr Gavin Ross, acting as a Supporter.

Evidence was heard in this case on 28th October 2019, in respect of Cases 3 and 6 of the schedule to the Act. The Applicant led evidence from the witness, Mr Graham Forbes, Surveyor. The Respondent led evidence from the witnesses, Ms Ann Margaret MacArthur and Ms Janice Mary Byrne.

The case was continued to 29th October 2019, when the case FTS/HPC/CV/19/1548 was also expected to be heard.

At the start of the continued hearing on 29th October 2019, parties informed the Tribunal that discussions were taking place regarding settlement of both cases. Parties were allowed time to discuss settlement. Parties produced a joint minute providing that an order for possession of the Property should be granted.

Findings in Fact

No findings in fact were made.

Reasons for Decision

The parties reached agreement regarding the granting of an order for possession.

Decision

An order for possession of the Property is granted in favour of the Applicant.

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.

H. Forbes

Legal Member/Chair

29th October 2019
Date