



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/4933**

**Re: Property at Covsea, 5 Belivat Terrace, Nairn, IV12 4BY (“the Property”)**

**Parties:**

**Mr Malcolm Macleman, Muirneag, Stotfield Road, Lossiemouth, IV31 6QT (“the Applicant”)**

**Ms Caroline Allsopp, Covsea, 5 Belivat Terrace, Nairn, IV12 4BY (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and David Godfrey (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction is granted.**

- Background

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The applicant applied to the tribunal for an order of eviction by application dated 17<sup>th</sup> November 2025.

Accompanying the application was a copy of the private residential tenancy agreement dated 17<sup>th</sup> November 2021, a copy of the applicant’s authorisation for the agent to appear, a copy of the notice to leave, copy proof of delivery of the notice to leave, applicant’s instruction to sell the property, section 11 notice, and proof of delivery of section 11 notice.

Further documentation was supplied by the applicant including terms of business in relation to the sale of the property.

It was noted that in terms of the Notice to leave that the period contained within the notice was one day short of that required by law. A period of 84 days notice had to be given together with 48 hours allowed for service.

The application was accepted for determination on 14<sup>th</sup> January 2026 and service by sheriff officers was made on 27<sup>th</sup> April 2026. No written representations were received from the respondent.

- The Case Management Discussion

At the case management discussion Ms Chisholm appeared on behalf of the applicant and the respondent also attended.

The respondent confirmed that she was not opposed to the order of eviction being granted and indeed wished this to happen in order that she could secure social housing.

Ms Chisholm confirmed that the applicant was in semi retirement and wished to sell the property. There were only two properties that Ms Chisholm was aware of that were rented out by the applicant. This property a value of approximately £100,000

- Findings in Fact

1 The parties entered into a private residential tenancy agreement dated 17<sup>th</sup> November 2021 for the rental of the property.

2 The respondent wished to sell the property.

3 The requisite notice had been given by the applicant although it was acknowledged that the notice to leave was one day short of that which was required.

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- Reasons for Decision

The tribunal firstly dealt with the issue of the notice to leave which was one day short of that which was required. The tribunal were aware of the decision in the case of Halcrow at UTS/AP /25/0019. In this case the period of notice being one day short did not materially affect the case in any way. The respondent was prepared to leave and simply wished an order to assist her in obtaining social housing.

The tribunal were satisfied that the applicant did wish to sell the property as part of his retirement planning and accordingly granted an order of eviction.

- Decision

To grant an order of eviction

## 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.

# M Thorley

1 June 2026

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Legal Member/Chair

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Date