



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/24/1932

Re: Property at 14 Sibbald Place, Eliburn, Livingston, EH54 6RT (“the Property”)

Parties:

Mr Antony Boyce, 15 Gavin Place, Eliburn, Livingston, EH54 6RY (“the Applicant”)

Mr Shabir McGinlay, 14 Sibbald Place, Eliburn, Livingston, EH54 6RT (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 66 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 12 June 2025 informing both parties that a CMD had been assigned for 8 July 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on

the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 3 July 2025. No written representations were received by the Tribunal.

The case management discussion – 8 July 2025

4. The CMD took place by conference call. The Applicant joined the conference call and represented himself. The Respondent did not join the call, and the discussion proceeded in his absence. The Tribunal explained the purpose of the CMD.
5. The Applicant explained that the Property is his only rental property, and he wishes to recover possession so that he can sell the Property and cease activity as a landlord. He has found the responsibilities as landlord to be stressful at times. The Respondent is not in employment and lives alone at the Property. He has told the Applicant that he wants to leave the Property, but he does not have alternative accommodation to go to. He has been told by the local authority that he cannot be provided with alternative accommodation unless and until an order has been granted, evicting him from the Property. The basis upon which recovery of possession was sought is that by operation of section 33, the tenancy has been brought to an end at the ish date.

Findings in Fact

6. The Applicant is the owner and landlord of the Property at 14 Sibbald Place, Eliburn, Livingston, EH54 6RT.
7. The Respondent is the tenant of the Property.
8. The tenancy is a short assured tenancy which commenced on 18 October 2016. The tenancy has continued by tacit relocation.
9. The Applicant served Notice to Quit and Notice in terms of Section 33 of the Housing (Scotland) Act 1988 on the Respondent by recorded delivery post on 3 May 2024.
10. The short assured tenancy had reached its ish.
11. Tacit relocation was not operating.
12. No further contractual tenancy was operating.

Reason for Decision

13. The Tribunal took into account the application and supporting papers and the submissions made at the CMD. The Tribunal was satisfied that it could reach a

decision on the application without a hearing under Rule 18 of the Rules and make relevant findings in fact based on the information provided by the Applicant. The Tribunal did not identify any issues to be resolved in this case that would require a hearing to be fixed.

14. Having considered the application and supporting papers, the Tribunal accepted that the Respondent had been served with a valid notice to quit and notice in terms section 33 of the Housing (Scotland) Act 1988. The Tribunal was satisfied that the conditions of section 33 had been met in respect that the tenancy had reached its end, tacit relocation was not operating and no further contractual tenancy was in operation.

15. The Tribunal considered whether it was reasonable to grant the order for eviction. The Tribunal relied on the information provided by the Applicant about his discussion with the Respondent about eviction. The Respondent did not oppose the application. The Applicant's circumstances are such that he no longer wishes to be a landlord. Taking account of these factors, the Tribunal found that it was reasonable to grant the order for 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.

Nicola Irvine

Legal Member/Chair

Date: 8 July 2025