



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014.

Chamber Ref: FTS/HPC/EV/24/4790

Re: Property at 14C Main Street, Stoneyburn, EH47 8BA (“the Property”)

Parties:

McGregor Property, 1 South Couston Crofts, Armadale, Bathgate, EH48 4LG (“the Applicant”)

Miss Monika Balog, 14C Main Street, Stoneyburn, EH47 8BA (“the Respondent”)

Tribunal Members: Shirley Evans (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order against the Respondent for possession of the Property at 14C Main Street, Stoneyburn, EH47 8BA under Section 33 of the Housing (Scotland) Act 1988 be granted. The order will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent. The order will include a power to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property and to make the same void and redd that the Applicant or others in their name may enter thereon and peaceably possess and enjoy the same.

Background

- 1. This is an action for recovery of possession of the Property raised in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).**

2. A Case Management Discussion ("CMD") under Rule 17 of the Regulations proceeded on 7 May 2025. There was no appearance by or on behalf of the Applicant. The Respondent appeared on her own behalf and made submissions to the Tribunal. The Tribunal issued a written decision to refuse the application on 7 May 2025. A copy of the decision was intimated to the parties.
3. On 19 May 2025, the Tribunal received an email from the Applicant's agent Steven Rollo of Let Link Ltd. He expressed his apologies for his absence at the CMD. He explained his failure to appear was due to an administrative oversight. He requested the case be recalled. He submitted a recall would be beneficial to both parties and went on to submit the Respondent would also benefit from a recall due to the Property being unsuitable for her and her daughter. He copied in the Respondent in his email chain to make her aware of his intention to apply for recall. No response was received from the Respondent.
4. The Tribunal thereafter recalled the decision made on 7 May 2025 and assigned a new CMD to proceed on 15 October 2025.

Case Management Discussion

5. The Tribunal proceeded with the CMD on 15 October 2025 by way of teleconference. Mr Rollo from Let Link Ltd appeared for the Applicant. Ms Balog, the Respondent appeared on her own behalf.
6. The Tribunal had before it a tenancy agreement dated 30 August 2016 between the Applicant and the Respondent, an AT5 dated 30 August 2016, a Notice to Quit and Section 33 Notice dated 10 May 2024, a Royal Mail Track and Trace receipt dated 11 May 2024 and a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003 with email dated 16 October 2024 to West Lothian Council. The Tribunal considered the terms of these documents.
7. Mr Rollo advised he was seeking an order for eviction. He explained that the Applicant had a portfolio of eleven properties and was looking to sell these as he wanted to come out of the rental market and retire early. The properties would need refurbishment before they could be sold. His client was a builder. He explained that the Respondent had been an excellent tenant and they had tried to help her but she was not in a position to pay any more rent.
8. In response Ms Balog explained she was not opposing the application. Ms Balog explained she lived in the Property with her 8 year old daughter. It was a one bedroomed property. They shared a bed. She had sought help from the local Council to get rehoused but so far she had not received a suitable offer. She had looked at private lets but as a single mother it was

difficult to find any affordable accommodation. She was keen to stay in the area as her daughter was at the local school and they had connections within the community. She explained that she was in regular contact with the local Council and in response to questioning by the Tribunal understood she had to keep them advised of the Tribunal's decision.

Reasons for Decision

9. The Tribunal considered the issues set out in the application together with the documents lodged in support. Further the Tribunal considered the oral submissions made by the parties at the CMD. The Tribunal concluded that the Applicant was entitled to seek repossession of the Property under Section 33 of the Housing (Scotland) Act 1988. There was a properly constituted Short Assured Tenancy with the Respondent. The Tribunal was satisfied that the statutory provisions of Section 33 of the Housing (Scotland) Act 1988 had been met namely that the Short Assured Tenancy had reached its term (termination date); the Notice to Quit brought the contractual Short Assured Tenancy to an end, and that the Applicants had given the Respondent notice in terms of Section 33(1)(d) of the Housing (Scotland) Act 1988.
10. The terms of Section 33 of the Housing (Scotland) Act 1988 would normally entitle the Applicants to a right of mandatory repossession of the Property. In terms of Schedule 1, paragraph 3 (4) of the Coronavirus (Scotland) Act 2020 the Applicant also has to satisfy the Tribunal that it is reasonable to evict. In determining whether it is reasonable to grant the order the Tribunal is required to weigh the various factors which apply and to consider the whole of the relevant circumstances of the case. In this case the Tribunal gave weight to the Applicant's wish to sell the Property to enable him to come out of the rental market and retire. On the other hand the Respondent did not oppose the application. The Property was unsuitable for her and her daughter who shared a bed. She had taken advice from the Council and was in regular contact with them. The balance of reasonableness in this case weighted towards the Applicant. The Tribunal find it would be reasonable to grant the order.
11. In the circumstances the Tribunal considered that in terms of Section 33 of the Housing (Scotland) Act 1988 as amended it was reasonable to grant an eviction order.

Decision

12. The Tribunal granted an order for repossession. The decision of the Tribunal was unanimous.

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.

S Evans

15 October 2025

Legal Member

Date