



**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/25/1789

**Re: Property at 54 West Glen Avenue, Deans, Livingston, EH54 8BN (“the
Property”)**

Parties:

Mr Alan Kerr, 12 Glen Dewar Place, Glasgow, G53 7GW (“the Applicant”)

**Ms Christina Dockery, 54 West Glen Avenue, Deans, Livingston, EH54 8BN
 (“the Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

**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 18 September 2025 informing both parties that a CMD had been assigned for 30 October 2025 at 2pm, 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 9 October 2025. No written representations were received by the Tribunal.

The case management discussion – 30 October 2025

4. The CMD took place by conference call. The Applicant and Respondent joined the call and represented themselves. The Tribunal explained the purpose of the CMD. The Applicant explained that he is 71 and does not keep in good health. He wishes to sell the Property and cease activity as a landlord. There have been no issues with the operation of the tenancy and rent has always been paid on time. 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.
5. The Respondent did not oppose the application but she does not have alternative accommodation to go to. She is not presently working and she has two school aged children. The Property has two bedrooms and ideally she would like a property with three bedrooms, given the family composition, She has been in touch with the local authority but there is no offer of alternative accommodation at the moment. The Respondent has tried to secure another privately let property but she has been rejected. She would like more time to secure alternative accommodation.

Findings in Fact

6. The Applicant is the owner and landlord of the Property at 54 West Glen Avenue, Deans, Livingston, EH54 8BN
7. The Respondent is the tenant of the Property.
8. The tenancy in question is a short assured tenancy which commenced on 11 November 2013. 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 sheriff officer on 3 February 2025.
10. On 25 April 2025 the Applicant applied to the Tribunal for an order for possession based on the operation of section 33 of the Housing (Scotland) Act 1988.
11. The short assured tenancy had reached its ish.
12. Tacit relocation was not operating.
13. No further contractual tenancy was operating.

Reason for Decision

14. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
15. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD. The Applicant served a notice to quit and a notice in terms of section 33 of the Housing (Scotland) Act 1988. The conditions of section 33 had been satisfied in respect that the tenancy had reached its end, tacit relocation was not operating and no further contractual tenancy was in operation. The Respondent did not oppose the application although she does not have alternative accommodation. The Tribunal was persuaded that it was reasonable to grant an order for eviction.
16. The Respondent asked for slightly more time before an eviction can take place to allow her more time to find accommodation. The Applicant did not object to that. The Tribunal extended the period for notice of removal by a period of 7 weeks.

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

Nicola Irvine

Legal Member/Chair

30 October 2025

Date