



**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/25/0761

Re: Property at 188 Queens Crescent, Livingston, EH54 8EJ (“the Property”)

Parties:

**Adams Whyte Property, Adams Whyte Property, Lennox House, Suite 3,
Almondvale Boulevard, Livingston, EH54 6QP (“the Applicant”)**

**Mr Rafal Plecing, Ms Daniela Zymila, 188 Queens Crescent, Livingston, EH54
8EJ (“the Respondent”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)

Decision

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

Background

1. This is a Rule 66 application lodged in the period between 21st February and 8th April 2025, whereby the Applicant is seeking an order for possession in terms of section 33 of the Housing (Scotland) Act 1988 (“the Act”). The Applicant representative lodged a short assured tenancy agreement commencing on 25th July 2017 to 25th January 2018, Form AT5, section 11 notice with evidence of service, copy notice to quit and section 33 notice with evidence of service, and representations from the Respondents.

Case Management Discussion

2. A Case Management Discussion (“CMD”) took place by telephone conference on 23rd October 2025. The Applicant was represented by Mr Bryan, Solicitor. The Respondents were in attendance. A Polish interpreter was in attendance.
3. Mr Bryan explained that the Applicant is a partnership. The partners are planning to retire, and wish to sell the Property. This is the last of their portfolio of properties, and the partnership will then be wound up. Mr Bryan

said he understood that the Respondents were not opposed to the order and were seeking social housing.

4. The Respondents confirmed that they were not opposing the order. They are seeking social housing and have been in contact with the local authority. They were asked to produce the relevant documents to the local authority if an order was granted. The Respondents said they are elderly and have health issues, and they would wish the matter to be expedited. The Respondents also said they would appreciate additional time if an order was granted to assist them in securing alternative housing.
5. Mr Bryan confirmed the Applicant was unlikely to be opposed to an extension to the period before which the order could be executed.
6. The Respondents asked if the Tribunal would send a document to the local authority. The Tribunal explained that they cannot do so, but they will provide a decision in English which the Respondents can take to the local authority. The decision will also be translated into Polish.

Findings in Fact and Law

7.
 - (i) Parties entered into a short assured tenancy agreement with the Applicant commencing on 25th July 2017 to 25th January 2018.
 - (ii) Notice to Quit and Section 33 Notice were served on the Respondent.
 - (iii) The short assured tenancy has reached its ish date.
 - (iv) The contractual tenancy terminated on 25th January 2025.
 - (v) Tacit relocation is not in operation.
 - (vi) The Applicant has given the Respondents notice that they require possession of the Property.
 - (vii) It is reasonable to grant the order for possession.

Reasons for Decision

8. Section 33 of the Act provides that the Tribunal may make an order for possession if satisfied that the short assured tenancy has reached its finish, tacit relocation is not operating, the landlord has given notice to the tenant that they require possession, and it is reasonable to make the order.
9. The contractual tenancy has been terminated and tacit relocation is not in operation. The Applicant has given the Respondent notice that they require possession of the Property.

10. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
11. The Tribunal considered that the Applicant has a legitimate requirement to recover the Property to assist in winding up their business for the purposes of retirement.
12. The Respondents were not opposing the order and indicated that an order was required in order to assist them in securing social housing.
13. In all the circumstances, the Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to allow an extended period before the order could be executed.

Decision

14. An order for possession of the Property is granted under section 33 of the Housing (Scotland) Act 1988. The order is not to be executed prior to 12 noon on 12th January 2026.

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.

Helen Forbes

Legal Member/Chair

23rd October 2025
Date