



**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/25/4992**

**Re: Property at 106 Huron Avenue, Howden, Livingston, EH54 6LG (“the  
Property”)**

**Parties:**

**Mr Mark William Campbell, 224 Marina Del Mar, La Marina, San Fulgencio, 03177,  
Spain (“the Applicant”)**

**Ms Angie McGregor (formally Slane), Mr George McGregor, 106 Huron Avenue,  
Howden, Livingston, EH54 6LG (“the Respondent”)**

**Tribunal Members:**

**Hilary Macandrew (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

**1) Background**

- 1.1 By application dated 19 November 2025 the Applicant sought an order under section 33 of the Housing (Scotland) Act 1988 (The Act) and in terms of rule 66 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017.
- 1.2 On 8 December 2025 the application was accepted by the Tribunal.
- 1.3 A Case Management Discussion was set to take place on 5 June 2026 and appropriate intimation of that hearing was given to both the landlord and the tenants.

- 1.4 The Case Management Discussion (CMD) took place on 5 June 2026. The Applicant was represented by Ms Callaghan of T C Young Solicitors. The Respondent was neither present nor represented. The Respondent had not lodged any form of response.

## **2) Discussions at CMD**

- 2.1 The Tribunal asked various questions of the Applicant's representative with regard to the application.
- 2.2 In accordance with the documents submitted to the Tribunal and questions posed by the Tribunal it was confirmed the relevant notices had been served and received.
- 2.3 Ms Callaghan narrated that the Applicant was seeking to recover possession of the property to realise the capital and retire fully. The Applicant is currently living abroad. He owns no other properties having sold the family home. He is 62 years of age. He retired from his employment in October 2025. It is not clear if he has a dependent partner. It is understood he has two children.
- 2.4 Ms Callaghan was able to answer the Tribunal's questions regarding the Applicant's personal situation and also the Respondent's personal situation. The Applicant intends to reside permanently in Spain and has no intention of returning to Scotland. Ms Callaghan advised the Tribunal that the Applicant had made direct contact with the Respondent explaining his intention to sell the property. The Respondent had indicated that they were content to vacate. They had applied for housing from the local authority. The local authority had advised them that they would be classed as voluntarily homeless and that they required to obtain an Eviction Order. The Respondent has told the Applicant that they intend to secure accommodation from the local authority. The Respondent is aged 43 and 38 respectively and have two children. The Respondent is willing to vacate the tenancy once the local authority are in a position to act on an Eviction Order and allocate accommodation.
- 2.5 The Tribunal explained that the only matter which appeared to require to be determined was whether it was reasonable to grant the order.

## **3) Findings in Fact**

- 3.1 The Applicant and the Respondent are respectively the landlord and the tenant of the property by means of a Tenancy Agreement originally commencing on 28 April 2015 and dated 28 April 2015.
- 3.2 The tenancy is a Short Assured Tenancy in terms of The Act.
- 3.3 On 25 July 2025 the Applicant's agent served upon the Respondent a Notice to Quit and a Notice in terms of Section 33 (1) (d) of the Act. These notices

were served on the Respondent by sheriff officers. Said Notices became effective on 28 October 2025.

- 3.4 The Notices informed the Respondent that the Applicant wished to seek recovery of possession using the provisions of Section 33 of the Act.
- 3.5 The Notices were correctly drafted and gave appropriate periods of notice as required by law.
- 3.6 The basis for the Order for Possession was accordingly established.

#### **4) Decision and Reasons**

- 4.1 When the 1988 Act was originally passed the eviction process under Section 33 was mandatory. The Tribunal was required by law to grant the Eviction Order if satisfied that required notices in terms of that Section had been served upon the tenant.
- 4.2 Since 7 April 2020 in terms of changes initially made by the Coronavirus (Scotland) Act 2020 and then by the Coronavirus (Recovery and Reform) (Scotland) Act 2022 an Eviction Order on this basis can only be granted if the Tribunal is satisfied that it is reasonable to issue an Eviction Order.
- 4.3 In determining whether it is reasonable to grant the order the Tribunal was required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.
- 4.4 The Tribunal has a duty in such cases to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the Tribunal to grant the order or decline to grant the order will be relevant.
- 4.5 In this case the Tribunal finds it is reasonable to grant the order.
- 4.6 The Tribunal accepts that the Respondent is a married couple with two children. They have been in touch with the Applicant making reference to seeking housing through the local authority.
- 4.7 The Respondent has failed to provide any representations or evidence to the Tribunal to indicate any reason why the order should not be granted.
- 4.8 The balance of reasonableness is weighted towards the Applicant in this application.
- 4.9 The Tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 and determined that a final order should be made at the CMD. The decision is that the Order for Recovery of Possession is granted.

## **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.**

**Hilary Macandrew**

**5<sup>th</sup> June 2026**

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**Legal Member/Chair**

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**Date**