



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

**Chamber Ref: FTS/HPC/EV/25/4759**

**Re: Property at 6 Edmonton Avenue, Livingston, EH54 6BH (“the Property”)**

**Parties:**

**Mrs Lesley Balaj, The Manse, Charlesfield Lane, Livingston, EH54 7AJ (“the Applicant”)**

**Miss Kimberley Clark, 6 Edmonton Avenue, Livingston, EH54 6BH (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Possession of the Property.**

**Background**

1. By application, dated 4 November 2025, the Applicant sought an Order for Possession of the Property under Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”), namely recovery of possession on termination of a Short Assured Tenancy.
2. The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties, running from 1 September 2012 until 2 March 2013, and, if not terminated by the tenant on that date, continuing on a monthly basis thereafter, a Form AT5 Notice dated 1 September 2012, and copies of a Notice under Section 33 of the 1988 Act and a Notice to Quit, both dated 26 August 2025 and both requiring the Respondent to vacate the Property by 2 November 2025.

3. The Applicant stated that she requires the Property back for her son who is going to live there.
4. On 24 April 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 15 May 2026. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 27 May 2026. The Applicant was represented by Mr Perviz Ahmed of Almond Letting, Bathgate. The Respondent was also present.
6. The Applicant's representative told the Tribunal that the Property had previously been the family home and that the Applicant's son now wishes to live in the house in which he was brought up. So far as he was aware, the Applicant does not own any other rental properties.
7. The Respondent told the Tribunal that she was not opposing the making of an Order for Possession. She anticipates moving to alternative accommodation in the near future.

### **Reasons for Decision**

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
9. Section 33 of the 1988 Act states that the Tribunal may make an Order for Possession of a house let on a Short Assured Tenancy if it is satisfied that the Short Assured Tenancy has reached its end, that tacit relocation is not operating, that no further contractual tenancy is for the time being in existence, that the landlord has given to the tenant notice stating that he requires possession of the house, and that it is reasonable to make the Order for Possession.
10. The Tribunal was satisfied that the tenancy had reached its end, that, by service of the Notice to Quit, tacit relocation was no longer operating, that there was no further contractual tenancy in existence between the Parties and that the Notice required under Section 33 of the 1988 Act had been properly given. The remaining matter for the Tribunal to consider was, therefore, whether it would be reasonable to issue an Order for Possession.

11. In arriving at its decision as to whether it would be reasonable to make an Order for Possession, the Tribunal noted that the Applicant wishes to have the Property back in order for her son to live in it and that the Respondent had confirmed that she was not contesting the application.
12. Having considered all the evidence before it, the Tribunal decided that it would be reasonable to make an Order for Possession.
13. The Tribunal's decision 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.**

**George Clark**

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**Legal Member/Chair**

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**27 May 2026**  
**Date**