



**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/22/1647**

**Re: Property at 66 Lochshot Place, Eliburn, Livingston, EH54 6SQ (“the  
Property”)**

**Parties:**

**Mr Charles Eric Brooke, Flat 2-1, 105 West Blackhall Street, Greenock,  
Inverclyde, PA15 1YD (“the Applicant”)**

**Mr Alan Duncan Avinou, 66 Lochshot Place, Eliburn, Livingston, EH54 6SQ  
 (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Elizabeth Williams (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

- Background

This is an application for recovery of possession of the Property, which is let by the Applicant to the Respondent in terms of a short assured tenancy. It called for a case management discussion (‘CMD’) at 10am on 1 December 2022, by teleconference. Mr McGuire, of Allcourt Solicitors Ltd. appeared on behalf of the Applicant. The Respondent did not call in to the conference and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulties he may have been experiencing; but there remained no contact from him.

Notice of the CMD was served on the Respondent by sheriff officers on 8 September 2022. The Tribunal was satisfied that he was aware of the CMD, but had chosen not to attend, and that it was therefore fair to proceed in his absence.

- Findings in Fact and in Fact and Law

1. The Applicant let the Property to the Respondent in terms of a short assured tenancy with a term of 6 months lasting from 2 June 2014 to 1 December 2014, inclusive.
2. The tenancy agreement stipulated that tacit relocation would not apply.
3. A notice in terms of s.33(1)(d) of the Housing (Scotland) Act 1988 ('the Act') was served upon the Respondent by the Applicant on 3 November 2021.
4. The Respondent has indicated that he accepts he has to move from the Property; but cannot do so until a formal order is made for his removal, in order to be able to access support from the local authority.
5. It is reasonable for an order for recovery of possession to be granted.

- Reasons for Decision

6. The requirements of s.33 of the Act have been met and, in particular, the Tribunal is satisfied that it is reasonable for an order to be granted.

- Decision

Order for possession 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.**

**Nairn Young**

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**Legal Member/Chair**

**1 December 2022**  
**Date**