



**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/22/4070**

**Re: Property at 87 Lauderdale Avenue, Dundee, DD3 9AN (“the Property”)**

**Parties:**

**Mr Ahmed Sayed Moursy, Giza Sheikh Zayed, Villa 381 Beverly Hills Compound,  
Bell Air, 12451, Egypt (“the Applicant”)**

**Mrs Carol Dunsmore, 87 Lauderdale Avenue, Dundee, DD3 9AN (“the  
Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)**

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

**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 First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
2. By decision dated 9 January 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 9 January 2023. The Tribunal intimated the application to the parties by letter of 8 February 2023 and advised them of the date, time and conference call details of today’s CMD. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a

decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 1 March 2023. No written representations were received.

### **The case management discussion (“CMD”)**

4. The Applicant was represented by Mr Gordon, solicitor. The CMD took place by conference call and proceeded in the absence of the Respondent. The Applicant’s representative explained that the Applicant is retired and intends to sell the property because he no longer wishes to be a landlord. The Applicant lives abroad. His son previously managed the tenancy on his behalf but has since passed away. The Respondent succeeded to the tenancy in terms of section 31 of the Housing (Scotland) Act 1988. The Applicant’s representative attempted to contact the Respondent’s children by telephone yesterday but was unsuccessful in speaking to them. The Respondent is believed to suffer from health conditions and there is a possibility that the Respondent was looking for sheltered accommodation.

### **Findings in Fact**

5. The Applicant entered into a short assured tenancy with the Respondent’s late husband, the initial term of which was 2 April 2014 to 2 October 2014.
6. The Respondent succeeded to the tenancy in terms of section 31 of the Housing (Scotland) Act 1988.
7. The Applicant’s representative served a Notice to Quit and Notice in terms of section 33 of the Housing (Scotland) Act 1988 on the Respondent by recorded delivery on 2 August 2022.
8. The tenancy had reached its end.
9. Tacit relocation was not operating.
10. No further contractual tenancy is in operation.

### **Reason for Decision**

11. The Tribunal proceeded on the basis of the written documents which were before it and submissions made at the CMD. The Applicant’s representative invited the Tribunal to make the Order sought. The Applicant relied upon Section 33 of the Act. The notice had been properly served. The Tribunal was satisfied that conditions of Section 33 had been met. The Respondent failed to lodge written submissions and failed to participate in the CMD. The Tribunal

was satisfied that it was reasonable to grant the order evicting the Respondent from the property.

### **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.**



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**Legal Member/Chair**

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**14 March 2023**

**Date**