



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 51(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/23/2947**

**Re: Property at Flat 2/2, 12 Bouverie Street, Glasgow, G14 0PE (“the Property”)**

**Parties:**

**Mrs Shona Hood, Calle Jamaica, 293, Villamartin, Orihuela Costa, 01389, Spain  
(“the Applicant”)**

**Mr Paul Connolly, Flat 2/2, 12 Bouverie Street, Glasgow, G14 0PE (“the  
Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) granted the Application and made an Eviction Order.**

**Background**

[2] The Applicant seeks an Eviction Order under ground 1A of schedule 3 of the Act on the basis that she wishes to sell the Property to alleviate financial hardship. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on with proof of service and evidence of the financial hardship founded upon.

### **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 1 December 2023. The parties were personally present. The Tribunal discussed all aspects of the Application with both parties. The Tribunal adjourned to consider its decision. Having done so the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy;*
- II. The Applicant competently served a notice to leave on the Respondent under ground 1A of Schedule 3 of the Act;*
- III. The Applicant has served the relevant notice under s11 of the Homelessness (etc) (Scotland) Act;*
- IV. The Respondent lives alone in the Property and is anxious about moving out;*
- V. The Respondent has engaged the support of the local authority in finding alternative accommodation;*
- VI. The Applicant is paying out more each month on the mortgage over the Property than she receives in rent;*
- VII. The Respondent lives in Spain and the financial viability of her retirement is in jeopardy as a result of the continued costs of operating as landlord;*
- VIII. The Applicant has been a landlord in respect of the Property for nearly twenty years and now wishes to fully retire and leave the industry and live in Spain;*
- IX. The current landlord and tenant relationship is causing the Applicant financial hardship. Selling the Property would alleviate this hardship;*
- X. Ground 1A is established and it is reasonable to make an Eviction Order.*

XI. *It is also reasonable that the Respondent be afforded an additional month to organise alternate accommodation.*

### **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order which may not be enforced for a period of two months from today's date.

### **Right of Appeal**

[5] 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.



**Legal Member/Chair**

**1 December 2023**

**Date**