



**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/26/1475**

**Re: Property at 80 Myrtle Square, Bishopbriggs, Glasgow, G64 1LT (“the  
Property”)**

**Parties:**

**Mrs Sandra Jodah, 6 Monreith Avenue, Bearsden, Glasgow, G61 1NL (“the  
Applicant”)**

**Ms Karen McConnel, 80 Myrtle Square, Bishopbriggs, Glasgow, G64 1LT (“the  
Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that it should grant an order for recovery of possession.  
The order cannot be enforced until 30th October 2026**

**Background**

1. An application was received under rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking recovery of possession of the property under a short assured tenancy granted by the Applicants to the Respondents.
2. The application contained :-

- a. A copy of the tenancy agreement,
  - b. a copy of the AT5,
  - c. a copy of the Section 33 Notice,
  - d. a copy of the Notice to Quit,
  - e. evidence of service,
  - f. Section 11 Notice, and
3. The case called for a case management discussion on 9 September 2026. Appearing were the Applicant's agent, Mr Di'Paulo, Holmes Mackillop. The Respondent was also in attendance. The Respondent had been served with notice of this application on 3 August 2026.

#### Case Management Discussion

4. The Applicant's agent moved for an eviction order to be granted. They had submitted the tenancy agreement, AT5, Notice to Quit, Section 33 Notice, Section 11 notice and evidence of service. They were all-in proper order. The notice period had expired.
5. The agent advised on the question of reasonableness. The applicant wished to sell the property. The property was occupied by the tenant and her daughter. Her daughter is over 21. The tenant and her daughter are both working. They are moving to the property next door and so will not be made homeless. In addition, the tenant stopped paying the rent in October 2025, and there has been no offer to pay since. Finally, the tenant was offered first refusal to purchase the property; however, that has not progressed.
6. The respondent advised that she was not opposing the order for eviction. She advised that she was moving into her father's house next door. Her father is 80 years old, and he needed support. Both she and her daughter were moving in with her dad to support him. She advised that she has arthritis; she has had two hip replacements and was waiting on a knee replacement. She asked for some further time to allow her to get the house ready to move into. She asked that

she be allowed until the end of October. She was asked whether she had stopped paying rent. She said she had, the reason was that she had recently lifted up the carpets, laid new flooring and installed a new fence at the back. She had told the landlord about this; the landlord had not told her that she was intending to sell the property. After she had laid the flooring, the landlord told her she was selling. The respondent was unhappy that she had paid for new flooring and a fence and then was told she would have to leave.

7. The applicant's agent advised there was no opposition to a further period until the end of October 2026 to allow the respondent to move.

#### Findings in Fact

8. We found the following facts established:-
9. That there was in place a short assured tenancy.
10. The property was 80 Myrtle Square, Bishopbriggs.
11. That there was a tenancy agreement between the Applicant and the Respondent in respect of the Property.
12. The landlord was Sandra Jodah. She was the heritable proprietor of the property.
13. The tenant was Karen McConnell.
14. The tenancy commenced on 1 February 2013 for 12 months and continued month to month thereafter.
15. The AT5 Form was in the prescribed format and was dated 30 January 2013.

16. The notice to quit contained the prescribed information and was dated 25 September 2025; it sought vacant possession as of 1 December 2025. It provided more than 1 month's notice that vacant possession was sought. There was evidence of service of the notice on 25 September 2025. The notice to quit terminated the tenancy on an *ish* date.
17. The section 33 notice contained the prescribed information and was dated 25 September 2025; it sought vacant possession as of 1 December 2025. It provided more than 2 months' notice that vacant possession was sought. There was evidence of service of the notice on 25 September 2025.
18. There was a section 11 notice addressed to the local authority.
19. The landlord wished to sell the property. The tenant did not oppose the order for eviction being granted. The tenant had a property to move to.

#### Reasons for Decision

20. Section 33 of the 1988 Act requires the tribunal to grant an order for possession under a short assured tenancy where: the tenancy has reached its *ish*; tacit relocation is not operating; the landlord has given notice to the tenant that they require possession of the house; and where it is reasonable to do so.
21. We were satisfied that a short assured tenancy had been created. We were satisfied with the terms of the section 33 notice and the notice to quit. We were also satisfied that these notices had been served on the Respondent. We were satisfied that the tenancy has reached its *ish*; tacit relocation is not operating; and the landlord had given notice to the tenant that they required possession of the house.
22. Having regard to the question of reasonableness, the tribunal considers it reasonable to grant the order for eviction. The notices were in a proper form,

and the respondent had time to leave the property. Importantly, the respondent did not oppose the order for eviction. The respondent had a property to move to, which was the property next door in which her elderly father lived. The respondent and her adult daughter were moving into the property.

23. The respondent asked for some extra time to allow her to move as she suffered from various health conditions. The applicant did not object to this. As the parties were agreed on a further short period of time before the order could be enforced, the tribunal was prepared to grant that additional requirement, that the eviction cannot be enforced until the end of October 2026.

24. Accordingly, we would confirm that we are satisfied that all of the requirements of section 33 have been met and that it would be reasonable to grant an order for eviction under section 33 of the Housing (Scotland) Act 1988.

### Decision

25. We grant an order in favour of the Applicant against the Respondent for recovery of possession of the property. The order cannot be enforced until 30th October 2026

### **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.**

**Melanie Barbour**

---

**Legal Member/Chair**

**9 September 2026**

---

**Date**