



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

Chamber Ref: FTS/HPC/EV/26/0731

Re: Property at 60 Reid Street, Glasgow, G73 3DP (“the Property”)

Parties:

Mr Nazir Ahmed, 157 Urrdale Road, Glasgow, G41 5DG (“the Applicant”)

Ms Jurate Piepolyte, 60 Reid Street, Glasgow, G73 3DP (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant made an application dated 13th February 2026 for an Eviction Order under Section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Rules and Procedures) 2017 (“The Rules”). The Applicant relied upon Ground 3 of Schedule 3 of the Act as the grounds for eviction, namely that the landlord intends to carry out significantly disruptive works to, or in relation to, the let property.
2. The Application was accepted by the Tribunal on 1st May 2026. It was referred to a Tribunal for a determination. A Case Management Hearing (“CMD”) was set down to take place on 24th August 2026 at 10am by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. The Respondent was invited to lodge a submission with the Tribunal by the 12th of August 2026.

Case Management Discussion

3. In this case the Applicant seeks an order for eviction in terms of section 51 and Ground 3 of Schedule 3 of the 2016 Act. An application was lodged with the Tribunal on the 13th February 2026.
4. A copy of the application was served on the Respondent. Parties were advised that a CMD would take place by teleconference on 24th August 2026 at 10:00 AM.
5. The CMD took place on 24th August 2026 at 10.00 am. Mr Shafatulla represented the Applicant. The Respondent was personally present.
6. The Tribunal had documents before it including: -
 - a. Form E application form;
 - b. A copy of the private residential tenancy agreement between the parties;
 - c. A copy of a Notice to Leave and proof of delivery of the said Notice on the Respondent by Royal Mail Signed For on 21st October 2025, together with an email from the Respondent dated 2nd November 2025 acknowledging receipt of the Notice to Leave;
 - d. Copy Section 11 Notice in terms of the Homelessness Etc (Scotland) Act 2003 and evidence of service of the said Notice on South Lanarkshire Council;
 - e. A schedule of proposed works to the property by Red Box Property Solutions dated 26th March 2026;
 - f. A response by the Respondent dated 1st August 2026.
7. The Tribunal invited the Applicants agent to address the Tribunal on the application. Mr Shafatulla explained to the Tribunal that the Applicant was 75 years of age. He had previously allowed the tenancy to be managed by a letting company. Regrettably the tenancy had not been managed particularly well, and the property had fallen into disrepair. The Applicant wanted to recover possession to enable him to carry out the refurbishment work. Given his age it was likely that once the work was carried out, he would place the property on the market for sale rather than re-letting it. He advised the Tribunal that the nature of the work to be carried out on the property was as set out in the schedule of proposed works. It was very extensive and the facilities would require to be disconnected. It wasn't feasible for anybody to stay in the let property while the work was being carried out. The work would take six to eight weeks or perhaps longer, depending on the availability of materials and

tradesmen. The condition of the property was currently causing an issue for the neighbours below because of water ingress.

8. The Respondent confirmed that she was not opposed to the application. She had reported various problems with the condition of the property to the landlord's agents over the years. She accepted that the property did require refurbishment due to its condition. She resided in the property with two adult children who were aged 18 and 19. She had applied to South Lanarkshire Council to be rehoused in December 2025. The local authority sent her a monthly update about her housing application. She understood that they were waiting for the Tribunal to make a decision. She had concerns about whether her tenancy deposit would be refunded in full, and concerns about the cost of moving. She was not sure whether 30 days was sufficient to allow the local authority to organise re housing her.
9. In response Mr Shafatulla undertook on behalf of the Applicant that the Respondents deposit would be repaid in full as the property was being refurbished and there would be no issue about the condition in which it was left.
10. After a brief adjournment, the Tribunal resumed the CMD and confirmed the outcome.

Findings in Fact and Law

11. The Applicant is the owner of the property in terms of a land certificate number LAN 82901.
12. The parties entered into a private residential tenancy agreement on 21st December 2018 in terms of which the Applicant is the landlord and the Respondent is the tenant of the property.
13. The Applicant paid a deposit at the commencement of the tenancy.
14. The Respondent resides in the property with two adult children aged 18 and 19.
15. The property has been neglected and now requires extensive refurbishment.
16. The Applicant intends to refurbish the property.
17. The Applicant is entitled to carry out the refurbishment work.

18. The extensive nature of that refurbishment makes it impractical for the Respondent to continue living in the property while the work is being carried out.
19. The Applicant served the appropriate notice to leave on the Respondent on 21 October 2025. The Respondent had received the notice and emailed the landlords representatives confirming that she had received it.
20. In terms of the notice the Applicant was entitled make an application to the Tribunal after the 16th January 2026.
21. The Respondent has an outstanding application to be rehoused with South Lanarkshire Council. She is at risk of homelessness. She may end up in temporary accommodation.
22. The Respondent does not oppose the application.
23. The Applicant's agent has undertaken that Respondents deposit will be repaid in full.
24. The Applicant made the application to the Tribunal after expiry of the period of notice. The Tribunal is satisfied that the Applicant has complied with the terms of section 52 (3), and 54 of the 2016 Act.
25. Notice of the application has been given to the local authority in terms of the Homelessness Etc (Scotland) Act 2003.
26. Ground 3 to Schedule 3 of the Act provides that
 - 3(1) *It is an eviction ground that the landlord intends to carry out significantly disruptive works to, or in relation to, the let property.*
 - (2) *The First-tier Tribunal may find that the eviction ground named by sub-paragraph (1) applies if—*
 - (a) *the landlord intends to refurbish the let property (or any premises of which the let property form's part),*
 - (b) *the landlord is entitled to do so,*

(c) it would be impracticable for the tenant to continue to occupy the property given the nature of the refurbishment intended by the landlord and

(d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

27. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it which required the Tribunal to identify the factors relevant to issues of reasonableness to determine how much weight should be applied to them.

28. The Tribunal was satisfied having heard from the Applicant's agent and having considered the paperwork lodged in support of the application that the Applicant is the owner of the property, that he intends to refurbish the property and that he is entitled to do so. The Tribunal was satisfied from the submissions made both by the Applicants agent and the Respondent that the property required refurbishment.

29. The Applicant had lodged a detailed quotation from a contractor as evidence that he intended to carry out the following work:-

- a. Removal of existing kitchen, bathroom, flooring, internal doors, old boiler, radiators, and old plasterwork as required.
- b. Fit new A-rated combi boiler (or system boiler) with flue. Install new thermostatic radiator valves (TRVs), new radiators throughout.
- c. Full re-plumb of hot and cold-water supplies to kitchen, bathroom, and boiler location including re-routing pipework as required.
- d. Full re-wire to current regulations including new consumer unit, LED downlighters, smoke/heat alarms, switches, and sockets throughout.
- e. Re-plaster all walls and ceilings.
- f. Fit new kitchen with units, worktops, sink, tap, and integrated appliances (hob, oven, extractor).
- g. Fit new bathroom suite comprising bath/shower, WC, basin, tiling to wet areas, and extractor fan
- h. Fit new flooring
- i. Fit new internal doors, ironmongery, skirting boards, and architraves.
- j. Fitting new double glazing tilt and turn uPVC windows.
- k. Decorate throughout.

30. The Tribunal was satisfied that it was impractical for the Respondent to continue occupying the property during such refurbishment.

31. The Respondent had approached the local authority regarding re housing. The Respondent is at risk of homelessness Although the impact of an eviction order on the Respondent is significant the application was not opposed.
32. Having regard to the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
33. The Tribunal was accordingly satisfied that the provisions of paragraph 3 of Schedule 3 of the 2016 Act have been met in this case.
34. The Tribunal considered whether it was appropriate in the circumstances to delay the execution of an eviction order. The Tribunal noted that the Respondent was uncertain about how long it would take her to move and how quickly the local authority would be able to rehouse her. The Tribunal concluded that a delay in execution to 5th October 2026 should be granted.
35. The decision of the Tribunal was unanimous.

Decision

36. The Tribunal determined that an eviction order should be granted against the Respondent.

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.

Robert MacDonald

24.08.2026

Legal Member/Chair

Date