

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (Act)

Chamber Ref: FTS/HPC/EV/24/5437

Re: Property at 12 Kennedar Drive, Flat 0/2, Glasgow, G51 4PT (“the Property”)

Parties:

Mr Vincent Breslin, 1 Flat 2/2, Rowan Wynd, Paisley, PA2 7SD (“the Applicant”)

Ms Amanda Nichol, 12 Kennedar Drive, Flat 0/2, Glasgow, G51 4PT (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.

Background

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicants’ intention to refurbish the Property and for eviction and recovery of possession on Ground 3 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 25 November 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 26 April 2018;
3. Notice to Leave dated 1 August 2024 and served on 8 August 2024;
4. Section 11 Notice to Local Authority and email serving on 13 January 2025;
5. Sheriff Officer Certificate of Service of CMD Notification on 4 July 2025;
6. Estimate from Abbey Services Scotland Limited dated 3 July 2024 confirming extent of repairs required;
7. Photographs showing damage to the Property.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 19 August 2025. The Applicant did not participate but was represented by his letting agents. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The letting agents confirmed the refurbishment of the Property was required by the Applicant under reference to the documentary evidence produced. The damage to the Property appeared to have been caused by dry rot. The landlord's insurance will cover the costs of the repair works, but not the costs of decanting the tenant until the works are complete.

The Property had been made safe and the Applicant and her son continued to live in the Property. The letting agents had offered 3 properties to her but she had not engaged with them regarding these.

The Respondent is believed to have mental health issues and her son has ADHD and autism. The son is believed to be aged 15-18. The Respondent also has a younger child who is believed to live mainly with the father. The family has some involvement with social services, and the letting agents had attempted to seek their assistance to facilitate rehousing the respondent, but without success.

No rent is being charged given the state of the Property.

The Tribunal had regard to the terms of Ground 3:

Landlord intends to refurbish

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 forms 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.

The Tribunal then considered the documentary and oral evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 26 April 2018;
2. The Applicant intends to refurbish the Property and it would be impracticable for the Respondent and her son to continue to occupy the Property given the nature of the refurbishment intended;
3. Notice to Leave had been served on the Respondent on 8 August 2024;
4. Section 11 notification had been served on the local authority;
5. No rent is being charged in respect of the Property;
6. The Respondent has failed to engage regarding alternative accommodation.

The Tribunal considered all of the evidence and submissions. The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought.

The Tribunal considered that it was reasonable in all of the circumstances to grant the order sought.

The Tribunal was satisfied that Ground 3 had been established and accordingly granted the application for eviction and recovery of possession.

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.

A Strain

19 August 2025

Legal Member/Chair

Date

