

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 of the Private Housing (Tenancies)(Scotland) Act 2016 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/0460

Re: Property at 0/1 5 Mount Stuart Street, Glasgow, G41 3YL (the Property)

Parties:

Mr Jarnail Tumani, 1 Lammermuir Place, Kirkcaldy, KY2 5RD (the Applicant)

Strata Rescom Limited, 637-639 Pollokshaws Road, Glasgow, G41 2QG (the Applicant's Representative)

Ms Zarina Kousar, 0/1 5 Mount Stuart Street, Glasgow, G41 3YL (the Respondent)

Mr Abdul Mohammed, address unknown (the Respondent's Representative)

Tribunal Members:

Ms. Susanne L. M. Tanner KC (Legal Member)

Ms. Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 3 in Schedule 3 to the 2016 Act is established by the Applicant, namely that the landlord intends to carry out significantly disruptive works to the let Property, as (a) the landlord intends to refurbish the let Property, (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; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act, with the date for enforcement delayed until 22 March 2026.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant's Representative first submitted an application with supporting documents to the tribunal on 28 January 2025. On 5 February 2025, the application was considered by a legal member acting with the delegated powers of the tribunal President and the application was not accepted for determination at that time. A further information request was sent to the Applicant's representative stating that the wrong Act / ground was relied upon; the copy tenancy agreement provided was illegible; and a number of additional pieces of information were required.
2. The Applicant's representative submitted some further information which was considered by a legal member acting with the delegated powers of the tribunal President and the application was not accepted for determination at that time
3. On 15 April 2025 the tribunal sent a further information request, noting that the wrong Act / ground was in the Application; the tenancy agreement could not be read, with a request for a legible one; a request for tracking information from the Royal Mail confirming service of the Notice to Leave; and a request for the section 11 notice sent to the local authority, with proof of service.
4. On 25 April 2025, the Applicant's Representative submitted an amended Form E and a copy of the Section 11 notice with cover email. The amended application and documents were considered by a legal member acting with the delegated powers of the tribunal President and the application was not accepted for determination at that time. A further information request was made.
5. On 27 May 2025, the tribunal sent a further information request for a readable copy of the tenancy agreement.
6. On 15 July 2025, the tribunal made a further information request, requesting a track and trace report from Royal Mail, not only the receipt which does not confirm delivery; and if possible, a better copy of the tenancy agreement.
7. On 15 July 2025, the Applicant's Representative submitted an amended Form E, and a further copy of the tenancy agreement (still largely illegible). Proof of posting of the Notice to leave was provided but proof of service of the Notice to Leave (by use of the tracking number) was not provided, despite the multiple requests by the tribunal. The amended application was made in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules). The Applicant seeks an order for eviction of the Respondent from the Property under Ground 3 of Schedule 3 to the 2016 Act, in summary that the landlord intends to carry out significantly

disruptive works to the let Property. The rest of the decision refers to this amended application dated 15 July 2025 and the supporting documents as the Application.

8. The tribunal's administration obtained the title sheet for the Property on 5 February 2025 which shows that the Applicant and Charanjit Kaur Tumani (spouse) have been the registered proprietors of the Property since 3 March 2022.
9. The tribunal confirmed that the Applicant is registered as the landlord of the Property and the Applicant's Representative is registered as the agent, with Landlord Registration Scotland.
10. On 6 August 2025, the Application was accepted for determination by a tribunal. All parties were notified by letters dated 26 November 2025 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 23 January 2026 at 1000h. The Respondent was invited to make written representations in response to the Application by 17 December 2025. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers on 27 November 2025.
11. The Respondent did not lodge any opposition to the Application or lodge any written submissions.

Case Management Discussion (CMD): 23 January 2026, 1000, Teleconference

12. Mr Jaffri and Ms Farook from the Applicant's Representative attended.
13. Ms Kousar, the Respondent attended. Her adult son, Mr Abdul Mohammed, attended and the Respondent confirmed that he was acting as her representative, as well as acting as a translator.

Submissions by the Respondent's Representative

14. Mr Mohammed stated that his mum is opposing the application for eviction.
15. Mr Mohammed stated that his mum has been living in the Property since around April 2016 and that she lives with his two adult siblings, a brother and sister, one

of whom is working and the other is studying. He stated that his mum got this tenancy in April 2016 through an agency that no longer exists. The landlord went to another agency and they issued a new lease in about March 2023. The landlord is the same as previously but the agency has changed.

16. Mr Mohammed stated that the Property is on the ground floor. There are three bedrooms and one bathroom.
17. Mr Mohammed stated that his mum will be 60 next year. She is not employed. She has long term back pain and long-standing depression. She is unable to work for medical reasons. She is on disability benefits. She has difficulty walking. The property is not adapted for disabilities but it is on the ground floor, which she requires.
18. Mr Mohammed stated that in ten years almost no work has been done on the Property by the landlord. They have had visits over the years about what needs to get done. He is not sure if someone came out from Strata before they produced the scope of works. He stated that it is very strange that his mum and siblings need to move out for the work to get done.
19. Mr Mohammed stated that his mum has been looking for another property, with local housing associations and privately, for some years and has continued to do so after service of the Notice to Leave. He stated that it has been difficult to find something to meet her needs. She has been told that the housing associations have her application in the system. There has not been any development. She has been looking on the house association websites. She was told that they would contact her if something suitable arises. She has also contacted the homeless team at the local authority. They have advised her to contact the housing associations and keep them updated and also to update them with the outcome of this hearing. She is looking for alternative accommodation with the two adult children who currently live with her in the Property.

Submissions by Applicant's Representative

20. Mr Jaffri stated that his business inherited the Property from another agency in March 2023. There were some maintenance issues at that time. He carried out inspections. He stated that the bathroom was covered in mould. He does not know whether the Property was in that condition when it was first let to the Applicant. Mr Jaffir stated that he arranged for the bathroom to be cleaned and a new extractor fan was installed. The Applicant's Representative further inspected and the problem had recurred. They then carried out further investigations on the whole property. There were high dampness readings throughout the Property, other than the entrance hall. Towards the rear side of the Property the readings were higher.

21. Mr Jaffri stated that the undated scope of works document on page 27 of the bundle was produced by Alexandra Maintenance in February or March 2025, following an inspection in February or March 2025. He stated that it lists the works which are required within the Property. Mr Jaffri stated that the plasterwork in the Property has to be stripped in every room. He stated that it is impossible for someone to live in the Property after that starts. He stated that Alexandra Maintenance have told him that depending on how severe the problem is, the works could take anything from three to six months.
22. Mr Jaffri stated that initially they contacted the factor and they came back and said that it was rising damp from the basement area. At the moment no communal works have been agreed or instructed. No company other than Alexandra Maintenance was chosen to scope the work. It is one of the trusted companies that Mr Jaffri uses. They also offer reasonable quotations in comparison to the bigger companies. There are no consents required for the works. There will be no demolition work.
23. Mr Jaffri stated that Alexandra Maintenance has provided an estimate for the works. It is not a full quotation because they are unable to assess the full extent of the work until they go into the Property. It will be between £15,000 and £25,000.
24. Mr Jaffri stated that he has contacted the landlord about the works, told him what is required and that it cannot be done with people residing in the Property. Mr Jaffri stated that the landlord will probably wish to re-let it again after the works are complete.
25. In relation to the possibility of identifying alternative accommodation for the Respondent and her two adult children, Mr Jaffri stated that the landlord has other properties he lets out but none of them are vacant. Mr Jaffri's business does not have any other three bedroomed properties in the areas they are looking for around the Shawlands area. They presently only have one or two bedroomed properties to let. The landlord does not have an insurance policy to cover the cost of the works or re-housing the Respondent during the works.
26. In relation to proof of service of the Notice to Leave, Mr Jaffri stated that the tracking has been checked and it is no longer available on the Royal Mail website due to the passage of time. The tribunal chair asked Mr Mohammed and he confirmed that the Notice to Leave had been received by his mother.
27. Mr Jaffri does not know if there is a mortgage on the property. He stated that the landlord pays factoring fees directly themselves, so he does not know what they are.

28. Mr Jaffri stated that the property is in Shawlands. He stated that the current market rental for a three bedroomed property would obtain more than the Applicant is presently paying. His business put the rent up when they took over management. It was £775 initially and had been at that price for a while. They went to RSS for an assessment and it was increased to £1230. Mr Jaffri does not know if any part of that is paid in benefits. Mr Jaffri stated that there are number of properties in the area that he thinks would be available to the Applicant and might be cheaper. He stated that from the correspondence he had with the Respondent, she did not seem to understand the proposed scope and length of works. He stated that the Respondent did not take it seriously in his opinion. He stated that he does not believe that they have been looking for the accommodation with any urgency. He stated that he has told them verbally that these are extensive works that will require them to move out.

Respondent's Representative's further submissions

29. Mr Mohammed said that it would be a problem if his mum only had 30 days to move out of the Property. He repeated that she has been looking for a house but it has been hard to find anything suitable. He said that he does not imagine she will find anything in that timescale. She has issues physically and mentally.

30. Mr Mohammed stated that his mum has contacted Govan Housing Association, Southside Housing Association, Wheatley Homes and Pollockshields Housing. She is on a waiting list for all of them. She has been on the waiting list for years. They have updated them on the situation regarding the Notice to Leave. She was told she would be contacted if something suitable comes up.

31. Mr Mohammed stated that she has also been in contact with the homelessness team at the local authority. The application to the local authority is being made for a three bedroomed house for the Respondent and two adult children. She is on the waiting list. The local authority explained that they will provide temporary accommodation but that she is not in that category yet because there is no eviction notice yet. That will give her a higher priority. She is not technically deemed homeless at present.

32. Mr Mohammed stated that the Property is let unfurnished and his mum has furniture in the Property, including two sofas, a dining table and beds and that a removal would be required.

33. Mr Mohammed stated that his mum, brother and sister do not have any connections to the area in which the Property is located. His sister goes to university in the city centre. He stated that his brother works but he is not tied to the area as such.

34. Mr Mohammed stated that the main issue in the Property is dampness and mould which has been going on for years and that at the front side of the house there is no visible mould but that the back of the house is very bad. He stated that his mum has raised the mould issue multiple times. He stated that his brother and sister have asthma. He thinks that the dampness and mould has made his sister's asthma worse.
35. Mr Mohammed stated that the rent was proposed by the Applicant's Representative to be increased from £899 to £1500 but his mum did not agree with that so they got the Rent Service Scotland to come and appoint an independent arbiter to value the property. The service said that because of the condition it is not in a condition for market value rent to be applied and they reduced it from £1500 to £1230. Mr Mohammed stated that the rent is all up to date.
36. The tribunal adjourned to deliberate.

37. The tribunal makes the following findings-in-fact:

- 37.1. The Applicant is one of the joint registered proprietors of the Property.
- 37.2. The Property is on the ground floor and has three bedrooms and one bathroom.
- 37.3. The Applicant entered into a tenancy with the Respondent for the Property in about April 2016.
- 37.4. The Applicant's Representative took over management of the Property in or around March 2023.
- 37.5. The Applicant entered into private residential tenancy with the Respondent for the Property with a start date of 22 March 2023.
- 37.6. The Property is let unfurnished and the Respondent has her own furniture in the Property.
- 37.7. The Respondent lives in the Property with two adult children.
- 37.8. There is a problem with dampness and mould in the Property which affects multiple rooms, particularly at the rear of the Property.
- 37.9. The monthly rent is £1230 which is below market value for the size and location because of the condition of the Property.
- 37.10. Remedial works have been instructed by the Applicant / his representative to the kitchen, bathroom, hall and living room in the Property, which will include removing the plaster from the walls throughout the Property, removing all kitchen units, removing the whole bathroom suite, damp proofing,

replacing floor joists if necessary, painting and decorating (the proposed works).

- 37.11. The proposed works are likely to take between three and six months.
- 37.12. The full extent of the works will not be known until the proposed works commence and the plasterboard is stripped back.
- 37.13. The proposed works cannot be carried out with the tenants in situ in the Property.
- 37.14. Notice to Leave was served on the Respondent under Ground 3 of Schedule 3 to the 2016 Act.
- 37.15. The Respondent continues to reside in the Property with her family.
- 37.16. The Respondent's rent account is up to date.
- 37.17. The Respondent has physical and mental disabilities and is unable to work for medical reasons.
- 37.18. The Property is on the ground floor but is not otherwise adapted for disabilities.
- 37.19. The Respondent requires a ground floor property with three bedrooms for her and two adult children.
- 37.20. The Respondent has registered with four housing associations and is on a waiting list for a property but nothing suitable has been identified.
- 37.21. The Respondent has registered with the homelessness team at the local authority but she has been told that a property will not be made available until she is homeless.

Discussion

- 38. The Application for an order for eviction was opposed but the Respondent's Representative did not dispute the poor condition of the Property or the fact that extensive works are required to address problems with dampness and mould in the Property.
- 39. The tribunal is satisfied that the Applicant intends to carry out significantly disruptive works to the let Property and that it would be impracticable for the Respondent to continue to occupy the Property given the nature, extent and duration of the proposed works.

40. The tribunal was satisfied on the basis of the findings in fact that Ground 3 in Schedule 3 of the 2016 Act is established.

41. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction on account of those facts but also took into account the fact that the Respondent has not yet been able to identify a suitable property to move into with her family despite registering with multiple housing associations and that she may find it difficult to find a property and move within 30 days.

42. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act with the date for enforcement delayed until 22 March 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.

Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair

Date: 23 January 2026