



**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/25/1434**

**Property: Hill of Beith Farm, Gateside Road, Beith, KA15 2LE**

**Parties:**

**Mr Robert Capper, Auchans Farm, Auchans Road, Houston, PA6 7EE; Mr William Robert Capper, 4 Auchans Cottage, Auchans Farm, Johnstone, PA6 7EE; Mrs Ruth Carole Capper, 4 Auchans Cottage, Auchans Farm, Johnstone, PA6 7EE; Mr Brian Eric Capper, 5 West Fulton Farm, Craigends Road, Houston, PA6 7EF; and WRC Recycling Limited, Auchans Farm, Auchans Road, Johnstone, PA6 7EF (the Applicants)**

**Penny Lane Homes, 10-12 High Street, Renfrew, PA4 8QR (the Applicants' Representative)**

**Mrs Amanda Harron and Mr George Gold, Hill of Beith Farm, Gateside Road, Beith, KA15 2LE (the Respondents)**

**CHAP, Michael Lynch Centre for Enterprise, 71 Princes Street, Ardrossan, KA22 8DG (the Respondents' Representative)**

**Tribunal Members:**

**Ms. Susanne L. M. Tanner KC (Legal Member)  
Mrs. Mary Lyden (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 Applicants, 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 18 May 2026.**

**The decision of the tribunal is unanimous.**

## **Reasons**

### **Procedural Background**

1. The First Applicant's Representative first submitted an application with supporting documents to the tribunal on 4 April 2025. The 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). At that time there was a single Applicant (which was later amended, see below). The First Applicant sought an order for eviction of the Respondents 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.
2. The tribunal's administration obtained the title sheet for the Property on 7 April 2025 which showed that the First Applicant is one of the registered proprietors of the Property.
3. The tribunal confirmed that the First Applicant is registered as the landlord of the Property with Landlord Registration Scotland.
4. The Application was accepted for determination by a tribunal. All parties at that time were notified of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 10 November 2025 at 1000h. The Respondents were invited to make written representations in response to the Application by a specified date. 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 Respondents by Sheriff Officers.
5. The Respondent did not lodge any opposition to the Application or lodge any written submissions.

6. The first CMD took place on 10 November 2025 and the Notes on the CMD were prepared by the tribunal and signed by the chairing Legal Member of the tribunal. They are referred to for their full terms. The Respondents did not attend the first CMD and it was heard in their absence. The CMD was adjourned to a further CMD to permit the First Applicant's Representative further time to consider preliminary issues raised by the tribunal at the first CMD.
7. All parties were notified of the date, time and joining details of the second CMD.
8. On 4 March 2026, the First Applicant's Representative sent an amended Application Form E and documents. In the rest of this decision, it is referred to as "the Amended Application". He sought to amend to add an additional four Applicants, all named as co-proprietors on the title deeds. He attached a new Notice to Leave dated 20 November 2025. He also provided submissions in relation to the Notice to Leave and the fact that there are two tenancy agreements. The Amended Application was sent to the Respondents.
9. On 17 March 2026, the tribunal allowed the amendment to add the additional four Applicants, now together with the First Applicant referred to as "the Applicants".
10. On 18 March 2026, the morning of the CMD, the tribunal's administration received an email and mandates from a new Respondents' Representative, authorising them to act on behalf of the Respondents.

#### **Case Management Discussion (CMD): 18 March 2026, 1000, Teleconference**

11. Mr Troy from the Applicants' Representative attended on behalf of the Applicants.
12. Ms Gibson, the Respondents' Representative, attended with both Respondents. The Respondents also had a supporter, Mr Rowe.

#### **Submissions by the Respondent's Representative**

13. Ms Gibson stated that CHAP is now assisting the Respondents in relation to the Amended Application. She was instructed this morning.
14. Ms Gibson stated that the Respondents do not oppose an eviction order being made but she requested a delay in execution of two to three months in addition to the usual 30 day period to allow them additional time to secure alternative accommodation.

15. Ms Gibson stated that the Respondents are 52 (Ms Harron) and 64 (Mr Gold). Both Respondents have health conditions and are unable to work. Ms Harron has multiple sclerosis and mental health difficulties. They live in the Property with Ms Harron's adult son who is 21.
16. Ms Gibson stated that both Respondents are in receipt of benefits which cover most of the rent. The rent is £1250pcm. Ms Harron pays £500pcm and Mr Gold pays £750pcm. Their rent account is up to date.
17. Ms Gibson stated that the Respondents have been looking for another property for them and Ms Harron's son but have so far been unable to find anything suitable. They thought that they had secured another private rented sector property and were in the process of moving out but the other property fell through as the owner ran out of money to complete the required renovation work and the tenancy did not proceed.
18. Ms Gibson stated that the Respondents have not engaged with the local authority homelessness team to register for local authority housing. Ms Gibson is intending to assist them to submit an application for housing today. They are seeking a two or three bedroomed property.
19. Ms Gibson stated that the Property is a four bedroomed house but that one bedroom is not usable due to the condition of the Property. There are windows missing and part of the roof. The Property is not in a good state of repair. There is no central heating. The water is not operating at full pressure and there are restrictions on flushing toilets. The water board has told the Respondents that the water problem is on the land belonging to the Property.
20. Ms Gibson intends to make the local authority aware of the stage of the tribunal proceedings, the Respondents' health conditions and needs and the state of the Property.

### **Submissions by Applicant's Representative**

21. Mr Troy stated that he had discussed matters with the Applicants and had instructions to agree to an extension of the date for execution, if requested, of no more than two months in addition to the statutory appeal period. He stated that the notice was served two years ago and that the Applicants would like to proceed with the renovation works, which cannot take place while the Respondents continue to reside in the Property.
22. Mr Troy confirmed that the rent account is up to date.

23. The tribunal adjourned to deliberate.

**24. The tribunal makes the following findings-in-fact:**

- 24.1. The Applicants are the joint registered proprietors of the Property.
- 24.2. The Property is a detached house with four bedrooms, three of which are usable.
- 24.3. The First Applicant entered into tenancies with the Respondents for the Property in about August 2021, with a start date of 1 August 2021.
- 24.4. The Respondents live in the Property with Ms Harron's adult son.
- 24.5. The monthly rent in total is £1250.00.
- 24.6. The Property is not in a good state of repair and requires to be refurbished.
- 24.7. Remedial works have been instructed by the Applicants / their representative.
- 24.8. The proposed remedial works will be significantly disruptive and cannot be carried out while the Respondents reside in the Property.
- 24.9. Notice to Leave was served on the Respondents under Ground 3 of Schedule 3 to the 2016 Act on 20 November 2025.
- 24.10. The Respondents' rent accounts are up to date.
- 24.11. Both Respondents have medical conditions which mean that they are unable to work.
- 24.12. The Respondents are in receipt of benefits which pay a portion of the total rent.
- 24.13. The Respondents had secured an alternative property to move into but the new tenancy was unable to proceed, so they continue to reside in the Property.
- 24.14. The Respondents have not yet registered with the homelessness team at the local authority but intend to do so on 18 March 2026.

**Discussion**

25. The Application for an order for eviction was not opposed and an extension to the date for execution was sought and agreed to in principle by the Applicants'

Representative for a maximum of two months in addition to the statutory appeal period.

26. The tribunal is satisfied that the Applicants intend to carry out significantly disruptive works to the let Property and that it would be impracticable for the Respondents and their family to continue to occupy the Property given the nature, extent and duration of the proposed works.
27. The tribunal was satisfied on the basis of the findings in fact that Ground 3 in Schedule 3 of the 2016 Act is established.
28. 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 Respondents have not yet been able to identify a suitable property to move into with their family and have only secured assistance from CHAP today, who will help them with an application to the local authority. The tribunal balanced the need for time to find another suitable property against the stated condition of the Property, which is substandard and in dire need of repair which cannot be done while the tenants are in situ. The tribunal considered that an additional month for execution would balance these considerations.
29. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act with the date for enforcement delayed until 18 May 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.**

Susanne Tanner

**18 March 2026**

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