



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 Act”)

Chamber Ref: FTS/HPC/EV/25/2941

Re: Property at 55 East Castle Street, Alloa, FK10 1BB (“the Property”)

Parties:

Mr Irfan Ahmed, 11 Sandpiper Meadow, Alloa, FK10 1QQ (“the Applicant”)

Ms Megan Maitland, Mr Glen Thomson, 55 East Castle Street, Alloa, FK10 1BB (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent, Ms Megan Maitland)

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

Background

1. By application dated 7th July 2025, the applicant sought an order under section 51 of the Act and in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (procedure) Regulations 2017 (“the procedure rules”). On 28th September 2025 the application was accepted by the tribunal and referred for determination by the tribunal.
2. A Case Management Discussion (CMD) was set to take place on 12th February 2026 and appropriate intimation of that hearing was given to all parties.
3. The application was heard together with a conjoined application involved the same parties for a payment order under tribunal reference FTS/HPC/CV/25/2942.

The Case Management Discussion

4. The CMD took place on 12th February 2026 *via* telephone conference call. The applicant was present. The respondent, Glen Thomson took part in proceedings. The respondent Megan Maitland, did not take part.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the applicant and the respondent, Glen Thomson with regards to the application.
7. The applicant confirmed he intended to refurbish the let property. He confirmed his intention to remodel the let property including refurbishment works including a new kitchen and bathroom and redecoration. The applicant confirmed these works would take a number of weeks to complete and it would be disruptive and therefore unfeasible for the respondent(s) to remain there whilst the refurbishments works are ongoing.
8. The respondent, Glen Thomson confirmed he was not objecting to the granting of the eviction. He advised the tribunal that the granting of the eviction would assist in securing permanent accommodation with the local council.

Findings in Fact

9. The applicant is the registered owner of the property.
10. The applicant and the respondent(s) are respectively the landlord and tenants who entered into a tenancy agreement for the property, commencing on 27th July 2022.
11. The tenancy agreement was a private residential tenancy in terms of the Act.
12. The agreed monthly rental was £650.
13. On 1st April 2025 the applicant served upon the respondent(s) a notice to leave as required by the Act. Service was effected by email on 1st April 2025. The notice informed the respondent(s) that the applicant wished to seek recovery of possession of the let property using the provisions of the Act. The notice set out one of the grounds contained in schedule 3 of the Act, namely ground 3 (the landlord intends to refurbish). The notice was correctly drafted in accordance with the requirements of the act and gave appropriate notice period as required in law.
14. The applicant provided very general quotations from contractors for refurbishment works for a new bathroom.
15. The let property required to be refurbished to re-modernise.

16. The respondents are in significant arrears. Arrears started to accrue in April 2025 after the respondent, Glen Thomson became unemployed. The arrears at the date the application was accepted by the tribunal and referred for determination by the tribunal were £3,900.
17. The amount of arrears at the date of the CMD were £7150.
18. The basis for the order of possession on ground 3 was thus established.

Reasons for Decision

19. The order of possession sought by the applicant was based on ground specified in the Act and properly narrated in the notice served on the respondent(s). The tribunal were satisfied that the notice had been served in accordance with the terms of the Act and the applicant was entitled to seek recovery of possession based upon those grounds.
20. The tribunal accepted the evidence presented by the applicant with regards to:
1) the planned refurbishment being significantly disruptive; 2) the applicants intention to refurbish; 3) the applicant being entitled to undertake the refurbishment to the let property; 4) it would be impracticable for the respondent(s) to continue to occupy the let property given the nature of the refurbishment; and 5) that it was reasonable to issue an eviction order on account of these facts and having regard to the arrears position.
21. The tribunal accepted evidence that the respondent, Glen Thomson, was not opposing the granting of the order and that the granting of the eviction order would assist with him securing permanent accommodation with the local council, who were aware today's proceedings were taking place. The tribunal accepted evidence from Mr Thomson that rental arrears were significant and having regards to his employment status they would likely continue to accrue. The tribunal accepted evidence that he currently resides in the let property alone, and his sister, the respondent Ms Maitland does not reside at the property as her primary residence and instead resides with her partner at another address.

Decision

22. The ground for eviction based on the applicant's intention to refurbish the let property was accordingly established.
23. The tribunal has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the tribunal to grant the order or decline to grant the order will be relevant. This is confirmed by one of the leading English cases, *Cumming v Danson*, [1942 2 All ER 653 at 655, where Lord Green MR said:

“In considering reasonableness.. it is, on my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusions given such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account.”

24. in determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.
25. In this case, the tribunal finds that it is reasonable to grant the order. The balance of reasonableness in this case is weighted towards the landlord in this application for the following reasons.
26. The applicant plans to undertake refurbishment works. These will be disruptive in nature. It would be impracticable for the respondent(s) to remain in the property whilst refurbishment works are ongoing. Furthermore, the level of arrears is extremely high, and it is unlikely the arrears will ever be repaid. The respondents have not paid rent since March 2025. The respondents have no apparent health problems. It is suspected Ms Maitland does not reside at the property as her primary residence and instead resides with her partner at another address. The respondent, Mr Thomson does not oppose the eviction application. Mr Thomson accepts the arrears are significant and will continue to accrue. The respondent Ms Maitland did not take part in proceedings and had lodged no written representations with the tribunal despite being offered the opportunity to do so.

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.

Craig Chisholm

Legal Member/Chair

Date

13 February 2026