



**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**

**Chamber Ref: FTS/HPC/CV/25/4529**

**Re: Property at Flat 9A, 1265 Pollokshaws Road, Glasgow, G41 3RR (“the Property”)**

**Parties:**

**Cabot Cove Ltd, 10 Lanton Path, Chapelhall, ML6 8GY (“the Applicant”)**

**Mr Akasha Qamar, Flat 9A, 1265 Pollokshaws Road, Glasgow, G41 3RR (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 3 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.**

**Background**

1. An application was made under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for recovery of possession under a

private residential tenancy by the Applicant against the Respondent for the Property.

2. The applications contained: -
  - a. the tenancy agreement,
  - b. the notice to leave with evidence of service
  - c. section 11 Notice with evidence of service
  - d. schedule of renovation works
  
3. A case management discussion took place on 19 May 2026. In attendance was the applicant's agents, Mr Jaffir and Mrs Farook. Notice of the Case Management Discussion had been made by the sheriff officers. The respondent did not appear. The tribunal was prepared to proceed in their absence, given they had notice of the Case Management Discussion.

#### Discussion

4. The agent advised that she sought an eviction order under ground 3. - The landlord intends to refurbish the property. The agent had submitted a copy of the tenancy agreement, the notice to leave, a section 11 notice and the schedule of the works to be carried out to the property.
  
5. The agent advised that the tenant had been in the property for a number of years, and when they started managing the property, the tenant was already a sitting tenant. The property is in very poor condition, and renovation works are required for it. There is water ingress and leaking from the roof and ceiling, and damp issues in the property. The tenant refuses to allow the letting agents access to the property. The tenant may also have allowed other people to reside in the property when they have not been there. There have also been some issues with nonpayment of rent. However, overall, the issue for the landlord is that the property is in a poor state of repair, and they need to do work to bring it up to a reasonable standard.

6. The agent advised that the tenant could not remain in the property when the works are being carried out as the kitchen and bathroom require to be stripped out; there will be roof works undertaken because there is water penetrating into the property. The agent thought the works would take around 11/12 weeks at least. The tenant has known about the planned works for about two years. The agent believes the tenant resides in the property with his partner and a child. The agent has offered the tenant other accommodation to move to, but the tenant has refused. The agent had a specialist attend the property to assess what works were required, and the agent has accepted the advice of the specialist, including that the works are extensive and require that the house be emptied before they are carried out.

### Findings in Fact

7. The Tribunal found the following facts established: -
8. There existed a private residential tenancy.
9. The tenant was Mr Akasha Qamar.
10. The landlord was Cabot Cove Ltd.
11. The landlord was the owner of the property
12. The property was Flat 9A, 1265 Pollokshaws Road, Glasgow, G41 3RR.
13. It had commenced on 24 March 2023.
14. A notice to leave was submitted dated 12 June 2025, stating that an application would not be made until 7 September 2025. It sought eviction under ground 3 - landlord intends to refurbish. The notice to leave had been posted to the tenant. There was evidence of service.
15. A section 11 notice had been sent to the local authority advising that the landlord was seeking possession of the property. There was evidence of service.
16. There was a schedule of works to be carried out at the property by Alexandria Maintenance.

### Reasons for Decision

17. Section 51 of the 2016 Act provides the Tribunal with the power to grant an order for eviction for a private residential tenancy if it finds that one of the grounds in Schedule 3 of the Act applies.

18. The ground which the Applicant seeks eviction is ground 12. It is in the following terms:-

**3 Landlord intends to refurbish**

(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 ] **2** find that the eviction ground named by subparagraph (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, [...] **3**

(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 ] **4**

(d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts. ] **4**

(3) Evidence tending to show that the landlord has the intention mentioned in subparagraph (2)(a) includes (for example)—

(a) any planning permission which the intended refurbishment would require,

(b) a contract between the landlord and an architect or a builder which concerns the intended refurbishment.

19. The applicant's agent confirmed that they sought an order for eviction based on the fact that the Landlord intended to refurbish the property. The tribunal finds that the landlord is entitled to refurbish the property as they are the heritable proprietors. The agent provided a schedule of works to be undertaken at the property; it appears to be fairly extensive work. It will require the removal of the kitchen and the bathroom. The agent also advised that there will be work to the roof and to ascertain where the penetrating damp is coming from. The tribunal finds that it would be impractical for the tenant to continue to occupy the property while the works are underway. The agent advised it will take 12 weeks for the work to be carried out. The tribunal finds that there's evidence showing that the landlord has the intention to do the works considering the schedule of works provided and noting the agent also advised that the landlord had carried out other refurbishment work to other property along the road from

this property. Having regard to whether it is reasonable to ground the order, we've taken into account that the agent has advised the tenant about these works around 2 years ago and the applicant's agent has also offered to find alternative accommodation for the tenant. All of these matters would tend to be in favour of the order being granted.

20. Against the order being granted, we note the tenant has resided in the property for a number of years and resides there with, it is believed, his wife and a child. Those factors in themselves do not outweigh the reason for granting the order, given that the agent advised the property is in a very poor condition and has been for a number of years. Finally, the respondent did not appear today to oppose the application. For all the reasons set a above the tribunal finds it would be reasonable to grant the order for eviction.

21. Accordingly, considering the papers before us and the oral submission by the applicant's agent, the tribunal was prepared to grant the order for recovery of possession, given that ground 3 was met and in all the circumstances it appeared to us to be reasonable to grant the order.

### Decision

22. The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 34 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

### **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.**



19 May 2026

**Legal Member/Chair**

**Date**