



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/EV/25/3223

Re: Property at 50 Seggarsdean Park, Haddington, EH41 4NB (“the Property”)

Parties:

Mrs Lorraine Glass, 19 Dobsons Place, Haddington, EH41 4RT (“the Applicant”)

Mr Mathew Wilson, Mrs Amanda Wilson, 50 Seggarsdean Park, Haddington, EH41 4NB (“the Respondents”)

Tribunal Members:

Robert MacDonald (Legal Member) and Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“The Tribunal”) determined that the provisions of paragraph 3 of Schedule 3 to the 2016 Act are met in this case and determined that it should grant an order for recovery of possession.

The Tribunal therefore made an Eviction Order under Section 51 of the 2016 Act.

In terms of Section 51(4) of the 2016 Act the private residential tenancy between the parties will end on 26th June 2026.

Background

1. This is an application dated 23rd July 2025 for an eviction order under Section 51 of the 2016 Act and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Rules and Procedure) 2017 (“The Rules”). The Applicant relied upon ground 3 of Schedule 3 of the Act as the ground for eviction, namely that the Applicant intended to refurbish the let property and

that it would be impractical for the tenant to continue to occupy the property given the nature of the refurbishment intended by the landlord.

2. The application was accepted by the Tribunal as valid on 18th November 2025 and referred to a Tribunal for determination. A Case Management Discussion (“CMD”) was initially set down to take place on the 17th April 2026 by teleconference. The Applicant was present at that CMD, but the Respondents did not attend. The Tribunal subsequently issued a direction to the parties in respect of further information required.
3. A further CMD was set down for 27th May 2026. The Applicant and the Respondents were both present at that CMD.
4. The Tribunal had the following documents before it:-
 - a. Form E application form;
 - b. Land Certificate to confirm the property was owned by the Applicant;
 - c. Evidence that the Applicant was registered as a landlord;
 - d. A copy of the private residential tenancy agreement between the parties;
 - e. A copy of the Notice to Leave and proof of delivery of the Notice on the Respondents by email on 22nd April 2025;
 - f. Copy Section 11 Notice in terms of the Homelessness Etc (Scotland) Act 2003 and evidence of service by email on East Lothian Council on 13th June 2025;
 - g. Written submission on behalf of the Applicant.
5. The Tribunal heard submissions from the Applicant and the Respondents.
6. The Applicant advised that she was 65 years of age. She had two other rental properties. She was hoping to refurbish the property with a view to probably selling it to assist in funding her retirement. Planning consent was not required for the proposed alterations. She had not entered into any formal contract with a building company to carry out the work but had received a quote for the installation of a new window, a quote for the installation of a new boiler, and was intending to pay a work man an hourly rate for the rest of the work. Her position was that the disruption caused by this work would make it impossible for the family to continue to live in the property.
7. The Respondents advised the Tribunal that they had trying to be re-housed for some time. The Respondents had one child, a son who was 8 and who was autistic. As he grew older the property in which they were living was not suitable for his ongoing care needs. They needed a ground floor property. There were safety issues with her son and concerns that he might try and exit the first floor via an open window. They were looking to put in place a care package for their

son which would mean that it was necessary for them being re-housed. They were keen to get moved as quickly as possible to avoid long term disruption to their son. They confirmed that it would be impossible for them to carry on living in the house while any of the proposed work was being done. Their son wouldn't be able to tolerate the work. The Tribunal inquired of the Respondents whether a delay in the order for eviction being granted would be of assistance to them, and they indicated that the opposite was the case. They did not oppose the application.

8. The Tribunal adjourned the CMD to deliberate outwith the presence of the parties. After a brief adjournment the Tribunal resumed the CMD and confirmed the outcome.

Findings in Fact and Law

9. The Applicant is the owner of the property in terms of a Land Certificate registered in the Land Register of Scotland under title number ELM24279. The Applicant is the landlord and the Respondents are the tenants of the property in terms of a private residential tenancy agreement which commenced on 5th February 2018.
10. The Applicant sent a Notice to Leave as defined by Section 62 of the 2016 Act to the Respondent's by email to the Second Respondent's email address on 22nd April 2025. The lease allowed correspondence including notices under the Act to be sent to the tenant at that address. In terms of the notice, the Respondents were advised that an application would not be submitted to the Tribunal for an Eviction Order before 19th July 2025.
11. A Notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 was sent by the Applicant to East Lothian Council on 13th June 2025 by email.
12. The Applicant is 65 years old and has two other let properties.
13. The Applicant wishes to refurbish the property with a view to potentially selling it to fund her retirement.
14. The Applicant intends to do significant work to the property including but not limited to refurbishing the kitchen by moving and replacing the existing kitchen, flooring and re-wiring; removing the wall between the kitchen dining and living room to create an open plan living space; creating a cloak room under the stairs; opening up a wall from a box room to install a new window; installing a new boiler; re-decorating and re-flooring the property.

15. The Respondents have an eight-year-old son who is autistic. He could not tolerate the upheaval caused by the proposed refurbishment work.
16. It would be impractical for the Respondents to continue to occupy the property given the nature and extent of the refurbishment intended by the landlord.
17. The Respondents did not oppose the order being granted.
18. It is reasonable to make an Eviction Order.

Reasons for Decision

19. The Tribunal was satisfied having considered all the documentary evidence in the submissions from the Applicant and from what they heard from the Respondents that it had sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application. The Respondents did not challenge the factual basis set out in the application and conceded that the order should be granted.
20. The Tribunal was satisfied that the Applicant has completed the statutory requirements in relation to service of a Notice to Leave on the tenant.
21. The Tribunal was satisfied that the Applicant wished to refurbish the property with a view to selling it.
22. The Tribunal was satisfied that the landlord was entitled to refurbish the property.
23. The Tribunal was satisfied that the property was not going to be suitable for the Respondents going forward given their son's additional needs.
24. Having considered the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
25. The Tribunal was satisfied that the provisions in paragraph 3 of Schedule 3 to the 2016 Act were met in this case.
26. The decision of the Tribunal was unanimous.

Decision

27. The Tribunal grants an order for possession of the property.

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.



Robert MacDonald

27.5.2026

Legal Member/Chair

Date