



**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/25/5243**

**Re: Property at Flat 2/1, 126 Cumming Drive, Glasgow, G42 9BW (“the Property”)**

**Parties:**

**Garnet Terrace Property Company, 103 Douglas Street, Glasgow, G2 4HA (“the Applicant”)**

**Mr Fearghus Mortimer, Flat 2/1, 126 Cumming Drive, Glasgow, G42 9BW (“the Respondent”)**

**Tribunal Members:**

**Julie McKinlay (Legal Member) and Jane Heppenstall (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted.**

**Background**

1. By application dated 4 December 2025 the Applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“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 23 December 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 19 June 2026, and appropriate intimation of the hearing was given to all parties.

**Case Management Discussion**

1. The CMD took place on 19 June 2026 via telephone case conference. The applicant was represented by Mrs Olivia Robertson, a solicitor. The Respondent did not attend. The Tribunal was satisfied that the respondent had received personal service of the application and details of the CMD by sheriff officers on 26 May 2026. As such the Tribunal decided to proceed with the CMD in the absence of the respondent.
2. The Tribunal heard from the Applicant.
3. The heritable proprietor of the property is Helen Lesley Williamson, Marion Grant Williamson or Armstrong and Marion Grant Williamson and Robin Grant Williamson as the Trustees of the Robin Grant Williamson Trust. Garnet Terrace Property Company is not a limited company but the collective trading name of those heritable proprietors. Mrs Roberrrtson is instructed by Mr Williamson on behalf of the heritable proprietors.
4. The Applicant seeks possession of the property to carry out disruptive works to the property. In particular the applicant provided an Electrical Condition report which was completed in May 2025, and which recommended a full rewire of the Property. This would require floorboards to be uplifted and some plasterboard to be removed from the walls. The work is estimated to take 12 weeks. In the view of the Applicant the respondent could not remain in the Property during these works. The works have not yet been instructed as the Applicant is waiting to obtain vacant possession. The Applicant owns a number of properties and has connections with tradespeople who will be able to undertake the work on vacant possession. The Applicant has offered the respondent alternative accommodation, but this has been declined.
5. The Applicant did have contact with a housing association recently seeking a reference for the respondent. The respondent ceased to pay rent upon receipt of the Notice to Leave. The Applicant has written to the respondent regularly about the arrears and suggested he obtain advice from Shelter or CAB. The respondent did contact the Applicant to advice that he was not going to pay the rent and considered himself the victim of harassment and discrimination. The arrears of rent are currently £6094. The rent is paid from benefits.
6. The Applicant understands that the respondent lives alone although his mother visits regularly. The health of the respondent is unknown although the Applicant understand that when the respondent's mother visits, she wears a mask.

## **Findings in Fact**

7. The Applicant is the collective trading name of the registered owner of the Property.
8. The Applicant is the landlord and the Respondent the tenant in terms of the private residential tenancy entered into on 28 October 2020.

9. On 22 August 2025 the applicants served upon the respondent a notice to leave as required by the Act. The notice informed the respondent that the applicant wished to recover possession using the provisions of the Act.
10. A notice was served on Glasgow City Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003.
11. The respondent ceased to pay rent on service of the Notice to Leave.
12. The Applicant offered alternative accommodation to the Respondent which was declined.
13. A housing association has recently sought a reference for the respondent from the Applicant.
14. The Applicant intends to carry out significantly disruptive works to the property, and it would be impractical for the respondent to continue to occupy the property given the nature of the intended work.

### **Reasons for Decision**

15. The Tribunal noted that the eviction was sought under and in terms of ground 3 of schedule 3 of the Act.

16. That ground 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 find that the ground named by the sub-paragraph (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
  - (c) It would be impracticable for the tenant to continue to occupy the property given the nature of the refurbishment intended by the landlord”

17. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the respondent indicating that the applicant intended to seek an eviction order based on ground 3.
18. The Tribunal is satisfied that the Applicant intends to carry out significantly disruptive works to the property in the form of a rewire which will require floorboards to be lifted and plaster board removed from the walls. The work will take in the region of 12 weeks. The Tribunal accepts the evidence of the Applicant on that matter.

19. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
20. The Tribunal find that it is reasonable to grant the order.
21. The Applicant intends to refurbish the property. The Applicant has been advised that the work is necessary. The respondent has been offered alternative accommodation which he has declined. The respondent has since the Notice to Leave was served ceased to pay rent. The Respondent appears to have sought alternative accommodation as a housing association has sought a reference for the respondent. It is within the Tribunal's knowledge that in the event that an eviction order was granted on the basis of the ground specified the local authority would owe duties to the Respondent in terms of the Housing (Scotland) Act 1987 as a person threatened with homelessness,
22. In all the circumstances it is reasonable to grant the order.
23. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

## **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.**

**Julie McKinlay**

**Legal Member**

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**Date: 19/06/2026**