



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/25/3557

Re: Property at 101 Overtown Road, Wishaw, ML2 8EW (the Property)

Parties:

Miss Marissa Black (Power of Attorney for Steven Black), 19 Kilwinning Crescent, Airdrie, ML6 7DD (the Applicant)

Miss Vikki Williamson, 101 Overtown Road, Wishaw, ML2 8EW (the Respondent)

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 16 in Schedule 3 to the 2016 Act is established by the Applicant, namely that the landlord is not registered by a relevant local authority under the Antisocial Behaviour etc. (Scotland) Act 2004; and 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.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant submitted an application with supporting documents to the tribunal on 18 August 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). The Applicant sought an order for eviction of the Respondents from the Property under Ground 16 of Schedule 3 to the 2016 Act, in summary that the landlord is not registered by the relevant local authority under the Antisocial Behaviour etc. (Scotland) Act 2004 (the 2004 Act).
2. The tribunal's administration obtained the title sheet for the Property on 20 August 2025 which showed that Steven Black, 56 Fairhaven Avenue, Airdrie, ML6 8EW is the registered proprietor of the Property. The Applicant is Steven Black's sister and has power of attorney for Steven Black.
3. Steven Black is no longer registered with Landlord Registration Scotland having been removed from the register on 15 August 2025.
4. The Application was accepted for determination by a tribunal. On 28 February 2026, all parties were notified of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 8 April 2026 at 1400h. The Respondent was invited to make written representations in response to the Application by 21 March 2026. 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 by the specified date.
6. The Respondent requested additional time to lodge a defence and the tribunal issued a Direction extending the period of time to 1 April 2026.
7. The Respondent did not respond to the tribunal's Direction or provide any defence or written submissions.

Case Management Discussion (CMD): 8 April 2026, 1400, Teleconference

8. Ms Black, the Applicant, attended.
9. Ms Williamson, the Respondent, attended.

Submissions by the Respondent

10. The Respondent does not oppose the eviction order being made.
11. The Respondent said that she understands that the order can be enforced after the 30 day appeal period.
12. The Respondent is employed. She lives in the Property with her three year old daughter. The Property has one bedroom. She receives £450 per month in Universal Credit for housing. She has not paid any rent to the landlord since his registration was removed in August 2025. She has retained the funds received in benefits for housing.
13. She said that she is currently working with North Lanarkshire Council to secure another property for her and her daughter. She contacted them when she received the Notice to Leave. She said that they told her to remain in the Property at that time. She has not recently spoken to the local authority but she intends to do so after the CMD.
14. The Respondent is also looking in the private rented sector for properties within her budget. She would prefer a property with two bedrooms off the busy main road.

Submissions by Applicant

15. Ms Black confirmed that no rent has been paid since her brother, Mr Black, was unregistered and was no longer allowed to receive rent. She confirmed that the rent account was up to date prior to that time.
16. The tribunal adjourned to deliberate.

17. The tribunal makes the following findings-in-fact:

- 17.1. The Applicant has power of attorney for Mr Steven Black, who is the registered proprietor of the Property.

- 17.2. The Property is a one bedroomed flat.
- 17.3. Steven Black entered into a private residential tenancy with the Respondent for the Property which began on 12 April 2025.
- 17.4. The Respondent lives in the Property with her three year old daughter.
- 17.5. On or about 15 August 2025, Steven Black was unregistered as a landlord by the local authority.
- 17.6. The Applicant served Notice to Leave on the Respondent 19 August 2025
- 17.7. The monthly rent was £450.00 but has not been paid since Steven Black was unregistered as a landlord.
- 17.8. The Respondent's rent account was up to date prior to that date.
- 17.9. The Respondent is in receipt of benefits which is intended to cover the whole rent.
- 17.10. The Respondent has not yet secured an alternative property to move into.
- 17.11. The Respondent intends to register with the homelessness team at the local authority.
- 17.12. The Respondent is also seeking suitable alternative accommodation within her budget in the private rented sector.

Discussion

18. The Application for an order for eviction was not opposed.
19. The tribunal is satisfied that the Steven Black, for whom the Applicant has power of attorney, was removed from the register of landlords on 15 August 2025.
20. The tribunal was satisfied on the basis of the findings in fact that Ground 16 in Schedule 3 of the 2016 Act is established.
21. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction on account of those facts.
22. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act.

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.

8 April 2026

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