



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/25/4070

Re: Property at 105 Main Street, Bellshill, ML4 3DZ (“the Property”)

Parties:

Mr Norman Tenby, 37 Ballantrae Crescent, Newton Mearns, G77 5TX (“the Applicant”)

Mr William Papadopoulos, 105 Main Street, Bellshill, ML4 3DZ (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted

Introduction

1. The first application seeks an eviction order and is under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The second application seeks a payment order relating to arrears of rent and is under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. Service of the applications and intimation of the Case Management Discussions (CMDs) was effected by Sheriff Officers on the respondent on 13 April 2026.
3. The CMD hearing in both cases took place by teleconference on 15 May 2026 at 10.00 am. The applicant was represented by Mrs Lesley Ann Barclay of Happy Lets Limited. There was no appearance by or on behalf of the respondent.

Findings and Reasons

4. The property is 105 Main Street, Bellshill ML4 3DZ. The applicant is Mr Norman Tenby who is the heritable proprietor and registered landlord. The respondent is Mr William Papadopoulos who is the named tenant. A private residential tenancy was entered into between the parties which commenced on 4 November 2024. The rent stipulated was £550 per month.
5. The respondent has fallen into significant rent arrears. £2,750 was outstanding when the notice to leave was served. This had risen to £3,850 at the time of application. Throughout the time that the application has been pending the arrears have increased and the applicant made a timeous Rule 14A amendment application to increase the amount sought to be recovered. The arrears now outstanding in the sum of £7,770 are evidenced by an unchallenged credible and reliable detailed rent statement which the Tribunal attached significant weight to.
6. The applicant is entitled to recover arrears of rent due under and in terms of the written lease between the parties. The Tribunal therefore granted a payment order against the respondent in the sum of £7,770. There is no opposition by the respondent and no time to pay direction application has been made.
7. The eviction proceedings are based on ground 12 of Schedule 3 to the 2016 Act. 28 days' notice was required to be given. The notice to leave upon which the eviction application proceeds is valid. It is dated 28 July 2025. This states that an application will not be submitted to the Tribunal for an eviction before 29 August 2025. It is also noted that the notice to leave was emailed on 28 July 2025. Sufficient statutory notice was given.
8. The Tribunal was satisfied that more than three consecutive months of rent was outstanding at the time that the notice to leave was served and also remains unpaid by the respondent. This establishes ground 12. The Tribunal proceeded to consider the issue of reasonableness.
9. The respondent is 33. He is both employed and self-employed. He has no disabilities or vulnerabilities and has no known dependents.
10. The applicant is adversely affected financially by the absence of rent being paid. The rent arrears are significant. It is unreasonable to require the applicant to continue to provide accommodation to either respondent in the absence of rent being paid. He has a small portfolio of 4 rental properties and is selling them all as he is a pensioner and no longer wishes to act as a commercial landlord.
11. There is evidence that the local authority has been served with a Section 11 Homelessness notice having been issued by the applicant. In the event of an eviction order being granted the local authority has a statutory obligation to make alternative accommodation available to the respondent.
12. The tribunal found that the rent arrears pre-action requirements have been adequately fulfilled by the applicant.

13. In all of the circumstances, the tribunal determined it was reasonable to grant the eviction order sought by the applicant.

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.

R. Mill

15 May 2026

Legal Member/Chair _____

Date _____