

Housing and Property Chamber

First-tier Tribunal for Scotland



Decisions with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Refs: FTS/HPC/EV/25/3550 & FTS/HPC/CV/25/3551

Re: Property at 58E Kirkness Street, Airdrie, ML6 6ER (“the Property”)

Parties:

Paradise Homey Company Limited, c/o Getground, 1 Lyric Square, London, W6 0NB (“the Applicant”) and

Bannatyne Kirkwood France & Co, Solicitors, 16 Royal Exchange Square, Glasgow, G1 3AG (“the Applicant’s Representative”) and

Ms Kayleigh Hornal or Bruno, 58E Kirkness Street, Airdrie, ML6 6ER (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

E Williams- Ordinary Member

Decisions

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines as follows:

- 1) To grant an eviction order; and**
- 2) To grant an order for payment to the Applicant, Paradise Homey Company Limited, by the Respondent, Ms Kayleigh Hornal or Bruno, of the sum of £1980.00 with interest thereon at the rate of 8% per annum from 10th July 2026 until payment.**

Background

- 1. These are Applications for an eviction order in terms of Rule 109 (Application for an eviction order) and for a payment order in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier**

Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the 2017 Rules").

Case Management Discussions on 3rd March 2026 and 10th July 2026

2. A Case Management Discussion ("CMD") had proceeded by remote teleconference call on 3rd March 2026. Reference is made to the Notes on that CMD.
3. A further CMD proceeded by remote teleconference call at 10am on 10th July 2026. The Applicant's Representative's Miss A Wooley attended. The Respondent, Ms Hornal or Bruno, did not attend, was not represented and there was no explanation for her absence. The Tribunal noted that the Tribunal's office had sent a letter with details of the further CMD to Ms Hornal or Bruno by recorded delivery post on 13th June 2026. They noted that Royal Mail had reported that the letter was signed for by an occupier of the Property.
4. Ms Wooley referred to the Applications and the updated rent statement, showing arrears of rent in the sum of £1980.00, which she sent by e-mail to the Tribunal's office on 6th July 2026. She stated that the Applicant's letting agents had informed her that Ms Hornal or Bruno had stated to them that she had received the letter with CMD details. Miss Wooley said that rent was continuing to be paid, through Ms Hornal's award of Universal Credit ("UC"), in the sum of £525.00 per month which sum is less than the monthly rental amount due, of £590.00. She stated that Ms Hornal or Bruno has not been making any payments in respect of the monthly rent shortfall, and the arrears, since January 2026. Miss Wooley stated that Ms Hornal or Bruno has not engaged with the letting agents regarding the rent shortfall and arrears. She said that the Applicant seeks a payment order in respect of the arrears now owing, of £1980.00, which amount is less than the sum of £2180.00 claimed in the original Application, CV/25/3551. Miss Wooley submitted that interest is applicable to the rent arrears sum sought, in terms of clause 8 of the parties' private residential tenancy agreement ("PRT") and asked that the Tribunal order that interest of 8% per annum run on the payment order sought from the date of the Tribunal's decision. Miss Wooley further submitted that as Ms Hornal or Bruno is not making payments in respect of rent shortfalls and arrears, and has not engaged with the letting agents and the Tribunal in this regard, she considers that it is reasonable for the Tribunal to grant an eviction order sought in Application EV/25/3550.

Findings in Fact and Law and Reasons for Decisions

5. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a PRT if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
6. Schedule 3 (12) to the 2016 Act provides that it is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.
7. Section 71 of the 2016 Act provides as follows:

(1) In relation to civil proceedings arising from a private residential tenancy-

(a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),

(b) a sheriff does not have competence or jurisdiction.

(2) For the purposes of subsection (1), civil proceedings are any proceedings other than-

(a) the prosecution of a criminal offence,

(b) any proceedings related to such a prosecution.

8. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order and order for payment of unpaid rent against a tenant (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.

9. Having considered all of the Applications papers and the written and oral submissions of Miss Wooley, the Tribunal find in fact that the Applicant has provided the Tribunal, in their Application for an eviction order, with copies of the parties' PRT, the Notice to Leave ("NTL") served on Ms Hornal or Bruno and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice which was intimated to North Lanarkshire Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (12) in the 2016 Act. The Tribunal further finds in fact that when the NTL was served on Ms Hornal or Bruno, on 20th June 2025, she had been in rent arrears for three consecutive months, and that when both Applications were lodged with the Tribunal's office, on 19th August 2025, Ms Hornal or Bruno was in rent arrears of £2180.00. Ms Hornal or Bruno is currently in rent arrears in the sum of £1980.00. Interest is applicable to rent arrears in terms of clause 8 of the parties' PRT.

10. In making its findings in fact the Tribunal relied on the documentation within the Applications and, in particular, on the oral and written submissions of Miss Wooley, the terms of which were consistent with the terms of the relevant documentation.

11. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submissions from the Respondent, Ms Hornal or Bruno. The papers in respect of both Applications had been personally served on her, by Sheriff Officers, on 16th January 2026. The Tribunal's office had sent a letter with details of the further CMD to Ms Hornal or Bruno by recorded delivery post on 13th June 2026. Royal Mail had reported that the letter was signed for by an occupier of the Property. Accordingly, Ms Hornal or Bruno is aware of the important nature of the Applications but has not lodged any representations regarding their merits and the reasonableness of the grant of the orders sought. The Tribunal's office has not received any communications from Ms Hornal or Bruno or any representatives or advisers acting on her behalf.

1) Accordingly, the Tribunal find in law that the ground in Schedule 3 (12) (1) of the 2016 Act is met as the Respondent, Ms Hornal or Bruno, has been in rent arrears for three or more consecutive months and that it is reasonable that an

eviction order be granted. The Tribunal also find in law that Ms Hornal or Bruno is obliged to pay rent to the Applicant, in terms of the parties' PRT, and, having not done so consistently, is in rent arrears in the sum of £1980.00. The Tribunal therefore find in law that the Applicant, Paradise Homey Company Limited, are entitled to an order for the Respondent Ms Hornal or Bruno's payment to them of the sum of £1980.00 with contractual interest thereon at the rate of 8% per annum from 10th July 2026 until payment.

Decisions

- 2) Therefore, the Tribunal makes an order for eviction of the Respondent, Ms Kayleigh Hornal or Bruno, from the Property at 58E Kirkness Street, Airdrie, ML6 6ER and, also, an order for payment to the Applicant, Paradise Homey Company Limited, by the Respondent, Ms Kayleigh Hornal or Bruno, of the sum of £1980.00 with interest thereon at the rate of 8% per annum from 10th July 2026 until payment.

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.

G.McWilliams

10th July 2026
