



**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/24/5393**

**Property : 27B North Bridge Street, Airdrie ML6 6NL ("Property")**

**Parties:**

**Pauline Gillies, 58/1 Palmerston Place, Edinburgh EH12 5AY ("Applicant")**

**Aquila Management Services Ltd, 98 High Street, Airdrie ML6 0DX ("Applicant's Representative")**

**Dumitru Cristian Stanciu, 27B North Bridge Street, Airdrie ML6 6NL ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Sandra Brydon (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property.**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 15 April 2022 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 17 October 2024 ("Notice to Leave") with covering email dated 17 October 2024; statement of rent arrears; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering letter dated 20 November 2024. The Application was served on the Respondent by sheriff officer on 25 March 2025. On 11 April 2025 the Respondent emailed the Tribunal advising that he had been experiencing significant health issues which had affected his ability to work.

### **Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 16 June 2025 by teleconference. The Applicant was represented by Paul Clark of the Applicant's Representative. The Respondent was not in attendance.

Mr Clark told the Tribunal that the Respondent lives in the Property alone. He did not know whether the Respondent is currently in employment. Mr Clark said he knew that the Respondent had a hernia operation in September / October 2024 which had prevented him working as a van driver. He said that the arrears had started to accumulate before then. He said he had met with the Respondent since the operation and he seemed to be fit and well. Mr Clark said that the arrears are now £6,326.09. He said that a payment was received each month from universal credit. In recent months it had been £78.07. Mr Clark told the Tribunal that the Applicant owns around 10 properties and has 7 properties managed by the Applicant's Representative. He said that there is a mortgage on the Property and the situation became precarious when interest rates went up and the Respondent stopped paying rent.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 15 April 2022.
2. The Notice to Leave was served by email on 17 October 2024.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 20 November 2024.

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had

been established. The Tribunal had seen evidence of compliance with the pre-action requirements.

Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

### **Decision**

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.**

# J Devine

**Joan Devine  
Legal Member**

**Date : 16 June 2025**