

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/24/3033**

**Re: Property at 578a George Street, Aberdeen, AB25 3XU (“the Property”)**

**Parties:**

**SBM Private Limited, 20 Colthill Circle, Miltimber, AB13 0EH (“the Applicant”)**

**Mr Steliyan Stanimirov Rumenov, 578A George Street, Aberdeen, AB25 3XU (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Gerard Darroch (Ordinary Member)**

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

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

**Background**

1. An application was received by the Housing and Property Chamber dated 2<sup>nd</sup> July 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 18<sup>th</sup> February 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 1<sup>st</sup> April 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 11<sup>th</sup> March 2025.
3. On 21<sup>st</sup> February 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 21<sup>st</sup> February 2025.

4. At the CMD on 1<sup>st</sup> April 2025 at 10am no party attended. The application was dismissed. The Applicant thereafter sought for the application to be recalled.
5. On 19<sup>th</sup> May 2025, the Applicant emailed the Housing and Property Chamber requesting that the amount sought be increased to £7650 for the conjoined application. This was notified to the Respondent by the Housing and Property Chamber.
6. On 11<sup>th</sup> June 2025, all parties were written to with the date for the new date for the CMD of 18<sup>th</sup> July 2025 at 10am by teleconferencing.
7. The case was conjoined with case FTS/HPC/CV/24/2613

### The Case Management Discussion

8. A CMD was held on 18<sup>th</sup> July 2025 at 10am by teleconferencing. The Applicant was present and represented by Mr Bhavin Asher, Director SBM Private Limited. Mr Ramaiya also from SBM Private Limited was present but did not address the Tribunal. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
9. The Tribunal was content that the recall should be granted and proceeded with considering the application.
10. Mr Asher said that ground 12 was the primary reason for the eviction. There have been no payments made since December 2023. The current arrears as at today's date are £8550. The Applicant has applied for direct payments from Universal Credit. This was rejected. Due to data protection reasons the Applicant was not informed why this had been refused. Although it was noted on the application that the ground was ground 1 the Tribunal took this to be a typographical error as the Notice to Leave stated ground 12. The Tribunal also considered this to be clearly stated as ground 12 throughout the process though ground 12A had also been referenced.
11. Mr Asher said that there has been no communication from the Respondent since January 2024. Several emails have been sent to the Respondent but there has been no response. It is believed that the Respondent is still living in the Property. The Applicant's directors have driven past the Property as recently as four months ago and saw that lights were on in it. It has also been reported to them that the Respondent has been seen in the supermarket doing his shopping. There is no concern by the Applicant for the Respondent's welfare. They believe him still to be living in the Property but not paying the rent or communicating with them. The Applicant had wanted to undertake six monthly checks on the Property but the Respondent had not engaged with their communications.
12. Mr Asher said that when the Respondent moved into the Property he was the only one living in it. It is believed that he was in his thirties at that point. There

are no known disabilities or vulnerabilities. The Property has not been adapted for him in any way.

13. As there has been no contact from the Respondent it is not known if he has contacted the local authority in terms of being rehoused. A section 11 notice was sent to the local authority.
14. This is the only property which the Applicant rents out. It had been their intention to buy more to let but this one has been so problematic and costly with the rent not being paid. They now wish to sell it due to the financial pressures that it has put them under. They also have a sick relative that they have to redirect funds to support that person. Matters may have been different had the Respondent made payments and not gone into arrears.
15. The Tribunal was satisfied that it was appropriate and reasonable to grant an order for eviction.

#### Findings and reason for decision

16. A Private Rented Tenancy Agreement commenced 17<sup>th</sup> November 2021.
17. The Respondent persistently failed to pay his rent charge of £450 per month. The rent payments are due to be paid on sixteenth day of each month.
18. Arrears accrued to more than three months rent payment at the date of the Notice to Leave and was more than three months rent payments at the date of the hearing.
19. The Respondent has not communicated with the Applicant since January 2024.
20. There are no known outstanding Universal Credit Housing Element issues.
21. The arrears sought in the conjoined application total £7650. This is beyond the amount which was originally sought and the arrears have since increased to £8550.
22. There are no issues of reasonableness that prevent an order from being granted.

#### Decision

23. The Tribunal found that ground 12 has been established and granted an order in favour of 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.**

Gabrielle Miller

**18<sup>th</sup> July 2025**

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**Legal Member/Chair**

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**Date**