Housing and Property Chamber
First-tier Tribunal for Scotland

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/25/1416

Re: Property at Flat 0/1, 41 Bankhall Street, Govanhill, Glasgow, G42 8SL ("the Property")

Parties:

Mr Paul Heneghan, 21 River Wynd, Stirling, FK9 5GN ("the Applicant")

Mr Remus Lacatus, Miss Somna Anca Demian, Flat 0/1, 41 Bankhall Street, Govanhill, Glasgow, G42 8SL ("the Respondents")

Tribunal Members:

Richard Mill (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

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

Introduction

1. These are conjoined applications. The first is an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The second seeks a payment order relating to arrears of rent and is under Rule 111 and Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

2. Service of the applications and intimation of the Case Management Discussions (CMDs) was served by Sheriff Officers on the respondents on 29 July 2025. The CMD hearing took place by teleconference on 8 September 2025 at 2.00 pm. The applicant was represented by Miss Kirsty Donnelly of TC Young Solicitors.

3. Govan Law Centre emailed the tribunal on 4 September 2025. They advised that they had spoken with the second respondent but were not representing

her. She had been advised to join the hearing and would require a Romanian interpreter. The tribunal service could not source a Romanian interpreter. The second respondent joined with her sister Melinda who acted as informal interpreter and her mother Anna for additional support. The proceedings were conducted fairly. The second respondent fully participated. She did not oppose either application. The first respondent did not participate.

Findings and Reasons

4. The property is Flat 0/1, 41 Bankhall Street, Govanhill, Glasgow G42 8SL. The applicant is Mr Paul Heneghan who is the heritable proprietor and registered landlord. The respondents are Mr Remus Lacatus and Ms Somna Anca Demian who are the named tenants. A private residential tenancy was entered into between the parties which commenced on 14 June 2019. The rent stipulated was £450 per month. The respondents are now separated.

5. The respondents have fallen into significant arrears. At the time that the applications were submitted to the Tribunal, rent arrears were £13,500. No rent has been paid since September 2022, three years ago. Throughout the time that the application has been pending the arrears have increased but the applicant has not made a timeous Rule 14A amendment application to increase the amount sought to be recovered. The arrears now outstanding in the sum of £15,750. The arrears at the date of application are accepted.

6. The applicant is entitled to recover arrears of rent due under and in terms of the lease. The Tribunal granted a payment order against the respondents in the sum of £13,500 being the sum sought in the intimated application. There is no opposition by the respondents and no time to pay direction application has been made by the respondents. The applicant also seeks interest at the rate of 8% per annum from the date of decision until payment. This level of interest is contracted for in terms of clause 37 of the tenancy agreement.

7. The eviction proceedings are based upon the arrears of rent and the ground relied upon is ground 12 of Schedule 3 to the 2016 Act, namely that the respondents are in rent arrears over three consecutive months. The Tribunal found that the notice to leave upon which the eviction application proceeds is valid. It is dated 27 February 2025. Sufficient statutory notice was given. 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 remains unpaid by the respondents. This establishes ground 12.

8. The Tribunal proceeded to consider the issue of reasonableness. The Tribunal found that the rent arrears pre-action requirements have been met by the applicant. These were translated into Romanian. The respondents were aware of their rights and obligations.

9. The first respondent does not live in the property. The second respondent lives in the 1-bedroom property with her two sons aged 18 and 16 years, her sister and her mother. The property is overcrowded and does not meet their needs. The second respondent acknowledges that she cannot remain in the property

and knows that she can seek accommodation from the Council once an eviction order is made. No credible reason exists for not making the required rental payments. There is evidence that the local authority has been advised of the proceedings with a relevant section 11 homelessness notice having been issued by the applicant. In the event of an eviction order being granted the local authority has an obligation to make alternative accommodation available to the respondents.

10. The applicant is 61 years of age and has retired early due to ill health. He has minimal income and receives no pension. The let property is subject to a mortgage. The applicant relies upon relies upon the rental payments to cover mortgage payments and factoring fees for the property. The applicant is experiencing significant stress and financial hardship because of the significant arrears. It is unreasonable for the applicant to continue to make the property available in the absence of rent being paid.

11. In all 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.

Richard Mill

8 September 2025

Legal Member/Chair **Date**