



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/25/0956

Re: Property at 1/2 205 Killin Street, Glasgow, G32 9BB (“the Property”)

Parties:

**Mr Neil Duffy, The Cullins, Uddingston, Glasgow, G71 6EY (“the Applicant”)
and**

1-2-1 Let, 104 Bellgrove Street, Dennistoun Glasgow G31 1AA (“the Applicant’s Representative”) and

Ms Angelika Balinska, 1/2 205 Killin Street, Glasgow, G32 9BB (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
M Booth - Ordinary Member**

Decision in absence of the Respondent:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.

Background

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10am on 14th November 2025. The Applicant’s Representative’s Ms K Haughie attended. The Respondent Ms Balinska did not attend and was not represented. The Tribunal noted that Sheriff Officers served copies of the Application papers, and details of the CMD, upon Ms Balinska by posting them through the letterbox of the Property on 8th October 2025.

3. Ms Haughie referred to the Application case papers and her subsequent e-mails sent to the Tribunals office. She stated that she has had limited communication with Ms Balinska. She said that Ms Balinska has not paid any rent herself since October 2024 but that in the last three months some rent has been paid through Ms Balinska's Universal Credit award (£450.00 towards rent and £40.01 towards arrears). Ms Haughie stated that the current amount of rent outstanding is £6,029.97. She stated that Ms Balinska is not working at the moment, having previously carried out agency work. She said that during a conversation within the last few months Ms Balinska indicated that she may return to reside with her mother in Edinburgh. Ms Haughie said that she did speak with Ms Balinska on Wednesday 12th November 2025 regarding an inspection at the Property. She said that she discussed today's CMD with Ms Balinska and that she called Ms Balinska again yesterday, 13th November 2025, to update with her, but there was no answer. Ms Haughie stated that she and her colleagues have tried to assist Ms Balinska as best they can regarding her accumulation of rent arrears. She said that they had signposted Ms Balinska to the Citizens Advice Bureau and understood that she had arranged an appointment with them but didn't keep it. Ms Haughie stated that the Applicant, Mr Duffy, is aged 71 and she understands that the Property is his only rented property. She also said that her understanding is that Mr Duffy still has a mortgage in respect of the Property and that he is continuing to suffer financial disadvantage. Ms Haughie stated that Mr Duffy also has had to continue to pay management and factor's fees. She said that Mr Duffy seeks the grant of an eviction order as he cannot sustain continuing financial loss.

Findings in Fact and Law and Reasons for Decision

4. 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 private residential tenancy ("PRT") if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (12) (1) to the 2016 Act provides that it is an eviction ground that a tenant has been in rent arrears for three or more consecutive months.
6. Therefore, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order against tenants (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.
7. Having considered all of the Application papers and the submission of Ms Haughie, the Tribunal finds in fact that the Applicant, Mr Duffy, has provided the Tribunal, in the Application for an eviction order, with copies of the Notice to Leave ("NTL") served on Ms Balinska and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Glasgow City Council. These documents 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 Application was lodged with the Tribunal's office, there were arrears of rent owing of £3,125.00 and that the current arrears owing are in the sum of £6,029.97.

8. In making its findings in fact the Tribunal relied on the documentation in the Application papers, and subsequently submitted, as well as the oral submission of Ms Haughie, the terms of which were consistent with the terms of the relevant documentation.
9. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submission from Ms Balinska. She is aware of the important nature of the Application but he has not attended at the CMD and has not made any oral or written representations regarding the merits and the reasonableness of the grant of the eviction order sought.
10. Accordingly, the Tribunal finds in law that the ground in Schedule 3 (12) of the 2016 Act is met as Ms Balinska has been in rent arrears for three or more consecutive months and that it is reasonable that an eviction order be granted.

Decision

11. Therefore, the Tribunal makes an order for eviction of the Respondent Ms Angelika Balinska from the Property at Flat 1/2, 205 Killin Street, Glasgow, G32 9BB.

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

Date: 14th November 2025

Tribunal Legal Member