

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/25/3736 and FTS/HPC/CV/25/3737

Re: Property at Flat 3/1, 3 Trefoil Avenue, Shawlands, Glasgow, G41 3PD (“the Property”)

Parties:

Mr Jamie Campbell, 11 Irvine Road, Largs, KA30 8EY (“the Applicant”) and

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

Mr Falak Nadeem, Flat 3/1, 3 Trefoil Avenue, Shawlands, Glasgow, G41 3PD (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

A Khan - Ordinary Member

Decisions in absence of the Respondent

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, Mr Jamie Campbell, by the Respondent, Mr Falak Nadeem, of the sum of £14,355.00 with interest thereon at the rate of 8% per annum running from today’s date 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 Discussion on 6th March 2026

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 2.00pm on 6th March 2026.
3. The Applicants’ Representative’s Ms A Capaldi, attended. The Respondent, Mr Nadeem, did not attend and there was no explanation for his absence. The Tribunal had noted that Sheriff Officers had served the Applications’ papers, as well as notification details of the CMD, on Mr Nadeem by posting papers through the letterbox at the Property on 20th January 2026.
4. Ms Capaldi referred to the Applications and subsequent e-mails and documents which she had sent to the Tribunal’s office, including a rent statement dated 18th February 2026. Ms Capaldi stated that Mr Campbell and his letting agent had little information in respect of Mr Nadeem’s personal circumstances. She said that she understood that he had previously been in employment but does not know his current status in this regard. She stated that she is not aware of him having any medical conditions. Ms Capaldi stated that Mr Nadeem has not paid any rent since May 2025 and that the arrears of rent owing were in the sum of £14,355.00 at 18th February 2026 and will likely now be in a higher amount, which has not yet been confirmed by the letting agent. She asked the Tribunal to grant an eviction order as well as an order for Mr Nadeem’s payment to Mr Campbell of the sum of £14,355.00 with interest at the Bank of England base rate of 3.75 per annum until payment.

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 private residential tenancy (“PRT”) if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
6. Schedule 3 (12) (1) 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 submission of Ms Capaldi, the Tribunal find in fact that the Applicant has provided the Tribunal, in the Application for an eviction order, with copies of the parties' PRT, the NTL served on Mr Nadeem and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice which was intimated to Glasgow City 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) (1) in the 2016 Act. The Tribunal further finds in fact that when the NTL was served on Mr Nadeem, on 1st August 2025, he had been in rent arrears for three consecutive months, and that when both Applications were lodged with the Tribunal's office, in September 2025, Mr Nadeem was in rent arrears of £6380.00. Mr Nadeem has not paid rent to the Applicant since May 2025 and was in rent arrears in the sum of £14355,00 at 18th February 2026.
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 Ms Capaldi, 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, Mr Nadeem. The papers in respect of both Applications had been served effectively on him on 20th January 2026. He 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 Mr Nadeem or any representatives or advisers acting on his behalf.
12. Accordingly, the Tribunal find in law that the ground in Schedule 3 (12) (1) of the 2016 Act is met as the Respondent, Mr Nadeem, 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 Mr Nadeem is obliged to pay rent to the Applicant, in terms of the parties PRT, and, having not done so consistently, was in rent arrears in the sum of £14355,00 at 18th February 2026. The Tribunal also consider that it is reasonable for interest to apply in respect of the considerable debt owing by Mr Nadeem to Mr Campbell. The Tribunal therefore find that the Applicant, Mr Jamie Campbell, is entitled to an order for the Respondent Mr Nadeem's payment to him of the sum of £14355.00 with interest at the Bank of England base rate of 3.75 per annum until payment.

Decisions

13. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr Falak Nadeem, from the Property at Flat 3/1, 3 Trefoil Avenue, Shawlands, Glasgow, G41 3PD and, also, an order for payment to the Applicant, Mr Jamie Campbell, by

the Respondent, Mr Falak Nadeem, of the sum of £14,355.00 with interest at the Bank of England base rate of 3.75 per annum 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.

Gerald McWilliams

G McWilliams Tribunal Legal Member

6th March 2026
