



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 17 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/EV/25/5270

Re: Property at 41 Stirling Street, Coatbridge, ML5 5QR (“the Property”)

Parties:

Messrs Perwaiz Akhtar, Messrs Abdul Haleem, 10 Avonhead Road, Condorrat, Glasgow, G67 4RA (“the Applicant”)

Mr Claudiu Ilie, 41 Stirling Street, Coatbridge, ML5 5QR (“the Respondent”)

Tribunal Members:

Hilary Macandrew (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Eviction Order be granted

1) Background

- 1.1 By Application dated 4 December 2025 the Applicant seeks an order for eviction relying on Ground 12 (rent arrears for three or more consecutive months) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The application was conjoined with an application seeking an order for payment in respect of rent arrears under reference FTS/HPC/CV/25/5271.
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 2 February 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 13 May 2026.

1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private residential tenancy agreement
- Notice to Leave
- Section 11 Notice to Local Authority
- Rent statement
- Updated Rent Statement
- Pre Action Requirement correspondence which included emails of 22 September, 1 October and 14 October 2025 between Agent and Respondent.

2) The Case Management Discussion

2.1 The CMD took place by tele conference on 12 June 2026 at 10am. The Applicant was represented by Mr Paul Clark. The Respondent represented himself.

2.2 Mr Clark confirmed that the property is 41 Stirling Street, Coatbridge, ML5 5QR.

2.3 Mr Clark confirmed that the parties entered into a Private Residential Tenancy Agreement which commenced on 21 May 2025 at a monthly rent of £725.

2.4 At the time of submitting the Notice to Leave the arrears were £1,775. The amount of arrears outstanding at the date of the application was £1,980.

2.5 Mr Clark provided a current rent statement showing an increase in the amount of arrears to £5,030.

2.6 The Tribunal noted that only 3 months' rent had been paid timeously and in full, that being £725 in each of the months of May 2025, July 2025 and 21 September 2025. Rent had been in arrears since 21 June 2025.

2.7 Mr Clark was able to talk about the personal circumstances of the Applicant. The Applicant is a property landlord who run the tenancy as part of their business. They hold a portfolio of leased properties of which the subjects of the application are one. All the properties which they own and lease out are burdened by mortgages. The absence of rent is having an impact on the Applicant's financial position.

2.8 The Respondent was able to explain his own circumstances himself. He accepted that the rent is in arrears and he accepts that the current level of arrears is £5,030. He accepted that he has been in arrears since June 2025 which was the month after the tenancy started. He explained that he is single and that he moved to the property after a relationship broke down between him and his previous partner. He has no dependents living with him. He works in hospitality. He was able to narrate details of his income and outgoings to the Tribunal. He is prioritising non-essential outgoings over rent. He explained that

his mother lives in Romania. His father lived in Romania and is deceased. His late father and mother owned a property in Romania and he is assisting his mother in obtaining the necessary documentation to enable her to sell the property and downsize. He has a sibling, a sister who lives in Glasgow. When pressed he could give no clear proposal to clear the arrears. He has no funds set aside for paying the arrears. He has no proposal or budget to meet the ongoing rent. He has taken advice from Citizens Advice Bureau whose representative Mr Melville had been in touch with the applicant's agent in October 2025. The Respondent had not provided any meaningful information via Citizens Advice Bureau to indicate any realistic prospect of meeting ongoing rent or clearing the arrears.

- 2.9 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMB which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

- 3.1 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement in respect of the property which commenced on 21 May 2025.
- 3.2 The monthly rent due under the Private Residential Tenancy is £725 per month.
- 3.3 The rent arrears due as at the date of the Notice to Leave was £1,775.
- 3.4 The rent arrears due as at the date of the hearing is £5,030.
- 3.5 The Applicant complied with the pre-action requirements
- 3.6 Ground 12 in Schedule 3 of the 2016 Act has been established
- 3.7 It is reasonable to grant an order for eviction

4) Issue For The Tribunal

- 4.1 The issue for the Tribunal is to determine whether or not to grant the order sought.
- 4.2 The ground on which the Application proceeds is ground 12 which states:

“(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months. (2)....(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if – (a) for three or more consecutive months the tenant has been in arrears of rent, and (b) the Tribunal is satisfied that it is reasonable on account of the fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider – (a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and (b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.”

- 4.3 The Tribunal was satisfied that the ground had been met and that the Respondent had been made aware of the consequences of their failure to pay rent.
- 4.4 Therefore, the statutory ground and procedure being established, the issue for the Tribunal was to determine if it is reasonable to grant the order.

5) Decision and Reasons for Decision

- 5.1 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
- 5.2 The Tribunal had regard to the fact that the Respondent had been in arrears since the second month of the tenancy, namely June 2025. The Tribunal's view is that the level of arrears being £5,030 combined with the length of time which arrears have existed leads to it being untenable for the Respondent to continue as a tenant in the Property. The Respondent provided no information which would indicate that he would pay the current rent or make any attempt to clear the arrears. He is working and prioritising other expenditure over rent. The Tribunal found that the Applicant is entitled to receive payment of rent and that this entitlement outweighs the Respondent's right to remain in the Property. Accordingly, the Tribunal was satisfied that it is reasonable to issue an Eviction Order.

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.

Hilary Macandrew

Legal Member/Chair

12 June 2026

Date