

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 Ref: FTS/HPC/EV/25/5250 and FTS/HPC/CV/25/5251

Re: Property at 41 East Greenlees Gardens, Cambuslang, Glasgow, G72 8DB (“the Property”)

Parties:

Roca Properties Ltd, 8 The Crescent, Clarkston, Glasgow, G76 8HT (“the Applicant”) and

Sinclair Services, 65 Montgomery Street, Kinross, KY13 8EB (“the Applicant’s Representative”) and

Mr John Bain, 41 East Greenlees Gardens, Cambuslang, Glasgow, G72 8DB (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

A Lamont - Ordinary Member

Decisions

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, Roca Properties Ltd, by the Respondent, Mr John Bain, of the sum of £4230.00**

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 16th June 2026

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10am on 16th June 2026. The Applicant’s Representative’s Mr D Sinclair Aiton attended. The Respondent, Mr Bain, did not attend, was not represented and there was no explanation for his absence. The Tribunal noted that Sheriff Officers had served the papers in respect of both Applications, and the details of the CMD, on Mr Bain by posting the relevant documents through the letterbox at the Property on 13th May 2026.
3. Mr Sinclair Aiton referred to the Applications and the written submission which he sent by e-mail to the Tribunal’s office on 7th June 2026. He stated that neither the Applicant nor himself have received any contact from Mr Bain. He said that the Applicant previously had a good relationship with Mr Bain but, since Mr Bain’s rent arrears started to increase significantly in early 2025, he has not engaged with the Applicant. Mr Sinclair Aiton stated that the rent arrears now owing by Mr Bain are in the sum of £4,935.00. He said that the Applicant seeks a payment order in respect of the arrears owing at the time the Application was submitted to the Tribunal, in December 2025, in the sum of £4,230.00. Mr Sinclair Aiton, with particular reference to his written submission, stated that given Mr Bain’s circumstances outlined in that submission, the Applicant considers that it is reasonable for the Tribunal to grant an eviction order.

Findings in Fact and Law and Reasons for Decisions

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) 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.
6. 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.
7. 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.

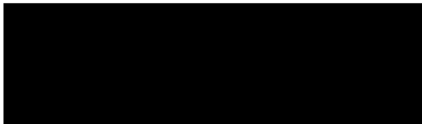
8. Having considered all of the Applications papers and the written and oral submissions of Mr Sinclair Aiton, the Tribunal find in fact that the Applicant has provided the Tribunal, in their Application for an eviction order, with copies of the parties' PRT, the Notice to Leave ("NTL") served on Mr Bain and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice which was intimated to South Lanarkshire 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) in the 2016 Act. The Tribunal further finds in fact that when the NTL was served on Mr Bain, on 22nd October 2025, he had been in rent arrears for three consecutive months, and that when both Applications were lodged with the Tribunal's office, in December 2025, Mr Bain was in rent arrears of £4230.00. Mr Bain is currently in rent arrears in the sum of £4935.00.
9. 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 Mr Sinclair Aiton, the terms of which were consistent with the terms of the relevant documentation.
10. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submissions from the Respondent, Mr Bain. The papers in respect of both Applications had been served effectively on him on 13th May 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 Bain or any representatives or advisers acting on his behalf.
11. Accordingly, the Tribunal find in law that the ground in Schedule 3 (12) (1) of the 2016 Act is met as the Respondent, Mr Bain, 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 Bain 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 £4230.00 when the Applications were submitted to the Tribunal. The Tribunal therefore find in law that the Applicant, Roca Properties Ltd, are entitled to an order for the Respondent Mr Bain's payment to them of the sum of £4230.00.

Decisions

12. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr John Bain, from the Property at 41 East Greenlees Gardens, Cambuslang, Glasgow, G72 8DB and, also, an order for payment to the Applicant, Roca Properties Ltd, by the Respondent, Mr Bain, of the sum of £4230.00.

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
Tribunal Legal Member**

16th June 2026
