

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/25/2473

Re: Property at 3A Mill Street, Kirkcaldy, Fife, KY1 1AB (“the Property”)

Parties:

Mr Bozhidar Belchev, 1 Lendalfoot Gardens, Hamilton, Lanarkshire, ML3 9DW (“the Applicant”)

Mr Danut Baba, 3A Mill Street, Kirkcaldy, Fife, KY1 1AB (“the Respondent”)

Tribunal Members:

**G McWilliams: Legal Member) and
E Williams: 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 Discussions on 3rd March 2026 and 10th July 2026

2. A Case Management Discussion (“CMD”) had proceeded by remote teleconference call on 16th January 2026. Reference is made to the Notes on that CMD. The Respondent, Mr Baba, successfully applied to recall the Tribunal’s decision to grant an eviction order, in his absence, at that CMD. In the Tribunal’s Decision Notice dated 17th February 2026, confirming their grant of the recall application, the Tribunal sought that Mr Baba submit information regarding his income and proposed payment of rent arrears. Mr Baba has not contacted the

Tribunal's office, and not provided the required information, following issue of that Decision Notice.

3. A further CMD proceeded by remote teleconference call at 2pm on 10th July 2026. The Applicant Mr Belchev's Representative's Ms B McCrostie attended. Mr Baba did not attend, was not represented and there was no explanation for his absence. The Tribunal noted that the Tribunal's office had sent an email, with details of the further CMD, to Mr Baba, using his given email address, on 16th June 2026.
4. Ms McCrostie stated that Mr Baba has not paid any rent, and not contacted her office, since January 2026. She said that there are now rent arrears in the sum of £11053.61 and that another Tribunal made a payment order, in the Applicant's favour, in respect of rent arrears of £10,553.61 at a CMD on 2nd July 2026. Ms McCrostie stated that a right of entry application has been granted with an entry date of 22nd July 2026. She said that Mr Belchev is anxious as a result of Mr Baba's non- engagement and non-payment of rent and arrears. Ms McCrostie stated that Mr Belchev wishes to recover possession of the Property as soon as possible.

Findings in Fact and Law and Reasons for Decision

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 a tenant has been in rent arrears for three or more consecutive months.
7. 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.
8. Having considered all of the Application papers and the submission of Ms McCrostie, the Tribunal finds in fact that the Applicant, Mr Belchev, through his Representative, has provided the Tribunal, in the Application for an eviction order, with copies of the Notice to Leave ("NTL") served on Mr Baba and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Fife 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 this Application was lodged with the Tribunal's office, there were arrears of rent owing of £4553.61 and that the current arrears owing are in the sum of £11,053.61.
9. 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 McCrostie, 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 Mr Baba's failure to comply with the requests for information contained in the Tribunal's decision of 17th February 2026 and the absence of any contradictory information or submission from Mr Baba. He is aware of the important nature of the Application but he has not attended at the further CMD and has not made any oral or written representations regarding the merits and the reasonableness of the grant of the eviction order sought.
11. Accordingly, the Tribunal finds in law that the ground in Schedule 3 (12) of the 2016 Act is met as Mr Baba has been in rent arrears for three or more consecutive months and that it is reasonable that an eviction order be granted.

Decision

12. Therefore, the Tribunal makes an order for eviction of the Respondent Mr Danut Baba, from the Property at 3A Mill Street, Kirkcaldy, Fife, KY1 1AB.

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

10th July 2026

Tribunal Legal Member