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 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/25/4793**

**Re: Property at 13 Clarke Avenue, Ayr, KA7 2XE ("the Property")**

**Parties:**

**Mr Domenico Sfregola, 20 Langcroft Avenue, Prestwick, KA9 2LY ("the Applicant")**

**Mr Abu Azad Haque, Ms Jacqui Flynn, 13 Clarke Avenue, Ayr, KA7 2XE ("the Respondents")**

**Tribunal Members:**

**Andrew Cowan (Legal Member) and Ann Moore (Ordinary Member)**

## Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the sum of £25855.00 is lawfully due by the Respondents and granted an order for payment of that sum by the Respondents to the Applicants.

Background

1. By an application dated 6th November 202525 the Applicant sought an order for payment of £5550.00 from the Respondents in respect of rent arrears.

2. A Case Management Discussion ("CMD") took place by teleconference on 12th November 2026. The Applicant joined the call, together with his representative, Mrs Elaine Dunlop from Homesure Portfolio Management, letting agents. The Respondents also joined the conference call.

3. The Tribunal considered the application along with a separate application (made under reference FTS/HPC/EV/26/3031) which sought an order for the eviction of the Respondent from the Property. The Tribunal have issued a separate decision in relation to that eviction application.

Further Information:

4. At the CMD the Applicant's representative explained that the Respondents had accrued rent arrears, due under the terms of a tenancy agreement between the parties in relation to the Property. The level of arrears due by the Respondents, as at the date of the CMD, had increased to £25855.00. The Applicant sought to amend the sum craved for payment in their application to that sum. The Applicant had lodged an amended application seeking the increased sum of £25855.00 in advance of the CMD.

5. The Respondents accepted that they were due the sum of £25855.00 to the Applicant by way of rent arrears as at the date of the CMD. The Respondents did not seek to object to amendment of the sum craved by the Applicants and did not wish to insist that the Applicants followed the specific requirements of rule 14A of the Tribunal's rules of procedure in requesting that amendment. The Respondents consented to a payment order being granted against them in the amended sum of £25855.00. In these circumstances the Tribunal permitted the Applicants to amend the sum claimed in their application to £25855.00

6. The Tribunal accepted the evidence of the Applicant that the Respondents are due payment of the sum of £25855.00 being rent arrears due by the Respondents as of 12th November 2026 (being the date of this CMD). The Respondents accept that they are due that sum to the Applicant.

Findings in fact

7. The Applicant let the Property to the Respondents in terms of a written tenancy agreement which commenced on 5th February 2025.

8. The monthly rent due by the Respondents in terms of the tenancy agreement between the parties is £1850 per month.

9. As at the date of this CMD that sum of £25855.00 remains due and owing by the Respondents to the Applicant in respect of arrears of rent incurred by the Respondents.

Decision

Under rule 17(4) of the Procedure Rules the First-Tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

The Tribunal accordingly granted an order for payment by the Respondents to the Applicant in the sum of £25855.00.

**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.**

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| **Andrew Cowan** | **12th November 2026** |
| **Legal Member/Chair** | **Date** |