

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)**

Chamber Ref: FTS/HPC/EV/24/3412

Re: Property at 62 Townhead Street, Stevenston, KA20 3AN (“the Property”)

Parties:

**Mr Gary Mark, Mrs Rachelle Mark, 16 Byrestown Road, Ballymena, BT42 3JB
 (“the Applicants”)**

**Mr Peter Munro Robson, 62 Townhead Street, Stevenston, KA20 3AN (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

BACKGROUND

1. By lease dated 22nd March 2022 the Applicant let the Property to the Respondent and another person, Stephanie Kerr. The Respondent is the second named tenant on the lease.
2. The start date of the tenancy was 23rd March 2022.
3. Rent is payable at a rate of £495.00 per calendar month.
4. On 21st August 2023 the first named tenant, Stephanie Kerr, wrote the Applicants intimating that she had vacated the premises.
5. The Respondent fell into arrears of rent. A notice to leave dated 29th April 2024 was served upon him.

6. An application seeking an eviction order was presented to the Tribunal on 26 July 2024. At that time arrears of rent amounted to at least £7,275.00.
7. A notice in terms of s11 of the Homelessness Etc (Scotland) Act 2003 was intimated to the local authority.

CASE MANAGEMENT DISCUSSION

8. The Applicant was represented at the case management discussion by Mr C Scott of Rentolease, Ayrshire. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs;
9. Mr Scott moved the Tribunal to grant an order for eviction.
10. Mr Scott advised the Tribunal that rent arrears had now risen to £15,000.00. The last contact with the Respondent was in August 2025. While it is not known for definite, it is believed the Respondent is still occupying the Property.
11. In relation to the Respondent’s personal circumstances, at the commencement of the lease it was a joint tenancy and the couple had two female children who were in their early teens. The first named tenant previously vacated the Property. It is understood the two children of the relationship vacated the premises with her. The Applicants’ agents had previously attended at the Property and spoken with the Respondent who confirmed that he and his former partner had separated and the children were no longer residing there, although he exercised contact with them.
12. There were no other known circumstances of the Respondent which were relevant to a determination of the issue of reasonableness.
13. Having regard to the level of arrears of rent, the lack of engagement between the Respondent and the Applicants and the failure of the Respondent to participate in the proceedings, the Tribunal concluded that it was reasonable to grant an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 12 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 24th November 2025

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.

Virgil Crawford

17th October 2025

Legal Member/Chair

Date