



**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/22/0500**

**Re: Property at 65 Gilmour Wynd, Stevenston, North Ayrshire, KA20 4DA (“the  
Property”)**

**Parties:**

**Mr Sean Lennon, Mr Dominic Lennon, 105 Ballylough Road, Castlewellan,  
County Down, Ireland, BT31 9JG; 105 Ballylough Road, Castlewellan County  
Down, Ireland, BT31 9JG (“the Applicants”)**

**Mr Alan Frew, 65 Gilmour Wynd, Stevenston, North Ayrshire, KA20 4DA (“the  
Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) granted an Order for Payment against the Respondent in favour of  
the Applicant in the sum of £4,419.53.**

**Background**

1. The Applicants submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order to evict the Respondent from the property
2. By decision dated 19 April 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicants’ representative on 20 April 2022. The Tribunal intimated the application to the parties by letter of 19 May 2022 and advised them of the date, time and conference call details of

today's case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 9 June 2022. The Respondent lodged written representations by email on 27 June 2022.

### **The case management discussion**

4. The Applicants were represented by Mr Hall. The case management discussion took place by conference call and proceeded in the absence of the Respondent. The Tribunal had already had sight of the statement of account which was lodged in support of the application. The Applicants' representative explained that the level of rent arrears due has increased from £4,419.53 to £6,544.53. The last two payments made by the Respondent were for £50 on 30 June 2022 and £600 on 30 March 2022.

### **Findings in Fact**

5. The parties entered into a short assured tenancy which commenced 14 September 2009.
6. Rent was due by the Respondent at the rate of £600 per month, payable in advance.
7. The level of rent arrears due by the Respondent as at 21 February 2022 was £4,419.53.
8. Since 21 February 2022, the level of rent arrears due by the Respondent has increased.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. In his written representations, the Respondent accepted that he had financial problems and had accrued arrears of rent. There was nothing to indicate that the Respondent disputed the level of rent arrears. The Tribunal was satisfied that the Respondent owed the Applicants £4,419.53 as at 21 February 2022 and that the rent arrears have increased since that date.

## **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.**

Nicola Irvine

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Legal Member/Chair

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Date 4 July 2022