



**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/22/0222**

**Re: Property at 14 Green Street, Flat C Ayr South, Ayrshire, KA8 8AD (“the  
Property”)**

**Parties:**

**Homesure Portfolio Management, 7 Waggon Road, Ayr, KA8 8DW (“the Applicant”)**

**Miss Lauren Shennan and Mr Ian Turnbull, 14 Green Street, Flat C Ayr South,  
Ayrshire, KA8 8AD (“the Respondents”)**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision**

A Case Management Discussion (“CMD”) took place by telephone conference on 30 May 2022. At the CMD the Applicant was represented by Mr Alan Hall. The Second Respondent was present in his own right and as the First Respondent’s representative. The First Respondent was not in attendance.

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

**The Case Management Discussion**

The following matters were not in dispute:-

- i. That the Respondents lease the Property from the Applicant in terms of a Private Residential Tenancy Agreement dated 21 and 22 July 2020 and which commenced on 24 July 2020 (“the PRT”).
- ii. That in terms of the PRT rent is payable at £440 per calendar month in advance.
- iii. That in terms of the PRT a deposit of £440 was payable.

In addition to the application, the Tribunal had regard to the following oral submissions:-

*For the Applicant –*

Mr Hall made the following representations:-

- i. That no rent had been paid by the Respondents for 10 months and the total rent arrears now due stood at £4,400.
- ii. That a Notice to Leave had previously been served and had expired last week. The Notice to Leave proceeded on the basis of rent arrears due and gave 6 months' notice.
- iii. The respondents are still in occupation of the Property.
- iv. The Applicant is escalating the situation and an eviction order is being sought.
- v. The last rent paid was on 29 July 2021 in a sum of £440.
- vi. The deposit of £440 remains in the hands of Safe Deposit Scotland.
- vii. It had been suggested to the Respondents that they explore Housing benefit 6 months ago. They had also received the pre-action letters detailing sources of financial help and support.
- viii. The Applicant is seeking an order for payment of £2,640.00 being the arrears due as at the date of the application

*For the Respondents:-*

Mr Turnbull made the following representations:-

- i. That the Respondents are still in occupation of the Property.
- ii. That the last payment of rent was made on 29 July 2021. At that time the Respondents had intended to withhold the rent and pay it into a separate account due to there being rat infestation in the Property and a radiator in the living room had not worked for over a year. These issues had been reported multiple times to the Applicant.
- iii. However, the Second Respondent lost his job in September 2021. He had sustained a shoulder injury at work in February 2017 and had been signed off work for 3 years on full pay. Due to the pandemic his employer could not organise a medical for the Second Respondent. He remained at home on full pay. An ill health severance was agreed in a sum of £13,600. That payment has not been received and is disputed by his former employer. Payment is on hold. The Second Respondent has initiated the conciliation process with ACAS. He is not now in employment and has no income.
- iv. The First Respondent is self-employed running a cleaning business.
- v. Because of the First Applicant's income the Second Respondent is not entitled to Job Seekers Allowance.
- vi. No enquiries have been made about their entitlement to Housing Benefit.
- vii. It is accepted that the rent due from August 2021 to date is payable in full.

## **Findings in Fact**

The Tribunal makes the following findings in fact:-

- i. That the Respondents lease the Property from the Applicant in terms of the PRT.
- ii. That in terms of the PRT rent is payable at £440 per calendar month in advance.
- iii. That in terms of the PRT a deposit of £440 was payable.
- iv. That as at 24 January 2022, rent arrears of £2,640 were due and payable by the Respondents to the Applicant.

## **Reasons for Decision**

The factual position was not in dispute between the parties. The rent arrears were admitted to be due by the Respondents. In these circumstances an order for payment required to be made.

## **Decision**

The Respondents are ordered to pay to the Applicant £2,640.

## **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. B**

---

**Legal Member/Chair**

**30 May 2022**  
**Date**