

**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/23/3484

**Re: Property at 29 Mayfield Road, Hamilton, Lanarkshire, ML3 9LL (“the
Property”)**

Parties:

**AMEXX UK PROPERTIES LTD, 7 Thorn Avenue, Thorntonhall, Glasgow, G74
5AT (“the Applicant”)**

**Miss Nicola Allison, 29 Mayfield Road, Hamilton, Lanarkshire, ML3 9LL (“the
Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that determined that an order is granted against the
Respondent(s) for payment of the undernoted sum to the Applicant(s):**

**Sum of EIGHT THOUSAND ONE HUNDRED AND EIGHT POUNDS (£8,108)
STERLING**

- **Background**

1. An application was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a Short Assured Tenancy Agreement.

- **The Case Management Discussion**

2. A Case Management Discussion (“CMD”) took place on 19 February 2024 by conference call. The Applicant was represented by Ms Saddiq of TCH Law. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.

- The Applicant’s representative moved for the order for payment to be granted as sought in the application. It was submitted that the parties had entered into a Short Assured Tenancy Agreement. The Respondent had failed to make payment of rent and had fallen into arrears amounting to £8,108 at the point the application was raised. The Respondent had been in receipt of partial Housing Benefit, but that appeared to have stopped, and nothing had been paid at all towards rent since January 2024. The rent arrears had continued to rise and as at 10 February 2024 stood at £10,563. The Respondent is now believed to be in employment.

- **Findings in Fact**

3. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 7 October 2016;
- (b) In terms of Clause 4.1 of the Agreement, the Respondent was obliged to pay a monthly rent of £600 to the Applicant;
- (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £8,108 at the point the application was raised.

- **Reasons for Decision**

4. The Tribunal was satisfied that the Applicant was entitled to the sum as sought in the application. The Respondent was obliged to make payment of rent in the sum of £600 per month under Clause 4.1 of the Agreement and had failed to do so. She had accrued arrears amounting to £8,108 and which fell lawfully due to be repaid to the Applicant.

- **Decision**

5. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of EIGHT THOUSAND ONE HUNDRED AND EIGHT POUNDS (£8,108)
Sterling

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.



Legal Member

Date: 19 February 2024