



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/25/5185

Re: Property at 61 Woodhall Place, Coatbridge, ML5 5BZ (“the Property”)

Parties:

Mrs Elizabeth Miller, Mr Raymond Miller, 45 Clagan Road, Claudy, Londonderry, BT47 4DB (“the Applicant”)

Ms Martha Sweeney, 61 Woodhall Place, Coatbridge, ML5 5BZ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that Under section that the Applicant is entitled to an order for payment for £3046.08 (THREE THOUSAND AND FORTY SIX POUNDS AND EIGHT PENCE).

Background

1. An application was received by the Housing and Property Chamber dated 1st December 2025. The application was submitted under Rule 70 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The Applicant is seeking an order for payment of outstanding rent arrears of £3046.08.
2. On 8th January 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 19th February 2026 at 2pm by

teleconferencing. The letter also requested all written representations be submitted by 29th January 2026.

3. On 12th January 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by leaving in the hands of a household member. This was evidenced by Certificate of Intimation dated 12th January 2026.
4. The case was conjoined with case FTS/HPC/EV/25/3541

The Case Management Discussion

5. A CMD was held on 19th February 2026 at 2pm by teleconferencing. The Applicants were not present but were represented by Mr Adam Gardiner, Solicitor, Lindsays. The Respondent was present and represented herself.
6. Mr Gardiner said that the current arrears are £3046.08. The Respondent said that this is because her ESA stopped in August 2025 when she was moved onto Universal Credit. She needed more paperwork to get the housing benefit and council tax elements. The application form was online and only allowed 5 pages of documents to be uploaded when she had 10 pages to be uploaded. She has an appointment to go to Job Centre Plus on Tuesday 24th February 2026 to hand in all the documents. She is hoping to get a full backdate. Mr Gardiner said that there have been no applications for direct payments of Universal Credit as it was not guaranteed. This position may be reconsidered given that there may be an award in place soon.
7. Mr Gardiner said that the Applicants were still seeking an order for payment. The outstanding arrears are £3046.08. Mr Gardiner said that it is not disputed that these arrears arise from issues with the Respondent not being able to receive her benefits. However, as it stands the monies remain outstanding and the Applicants are entitled to an order for payment.
8. The Respondent confirmed that she was not opposed to an order being granted. She does not dispute that the outstanding amount is owed to the Applicants.

Findings and reason for decision

9. The parties entered into a Short Assured Tenancy on 20th November 2007 until 21st May 2008. An AT5 was signed by both parties on the same date as the lease. The rent payments of £500 are due on the twentieth day of each month.
10. The Respondent persistently failed to pay her rent charge of £500 per month. This is due to her Employment Support Allowance being changed to Universal Credit which caused her benefit entitlement to stop. The Respondent is investigating this and pursuing a backdate.

11. The Respondent is not opposed to the Order being granted. She does not dispute the outstanding amount being due to the Applicants.

12. The outstanding amount for accrued rent arrears due to the Applicant from the Respondent is £3046.08.

Decision

13. The Applicant is entitled to an order of payment of £3046.08 by the Respondent. The Order was granted against the Respondent.

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.

Gabrielle Miller

19th February 2026

Legal Member/Chair

Date