



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”)

Chamber Ref: FTS/HPC/CV/26/0416

Re: Property at 59 Farm Road, Hamilton, ML3 9LB (“the Property”)

Parties:

Amexx UK Properties Ltd, 78-80 Farm Road, Hamilton, ML3 9LD (“the Applicant”)

Ms Jo Ann Murray, 15C Elm Street, Blantyre, G72 0PZ (“the Respondent”)

Tribunal Member:

Nicola Weir (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £8,302 should be made in favour of the Applicant, subject to a Time to Pay Direction.

Background

1. By application lodged on 27 January 2026, the Applicant applied to the Tribunal for a payment order in the sum of £8,302 in respect of rent arrears owing when the Respondent had vacated the Property. Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement and a rent statement.
2. Following initial procedure, on 9 March 2026, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.

3. On 2 July 2026, Sheriff Officers served a copy of the Application and supporting documentation on the Respondent, together with intimation of the date, time and details of the Case Management Discussion ("CMD") to take place by telephone conference call on 3 August 2026. Written representations were to be lodged by a date specified.
4. No written representations were received from the Respondent prior to the CMD.

Case Management Discussion

1. The CMD took place on 3 August 2026 at 10am b telephone conference call. The Applicant was represented by Mr John Jarvie of John Jackson & Dick Ltd, solicitors. The Respondent, Ms Jo Ann Murray was also in attendance.
2. After introductions and introductory remarks by the Legal Member, Ms Murray was asked to confirm her position with regard to the application. She confirmed that she was the former tenant of the Applicant. She was referred to the Rent Statement which had been submitted with the application and confirmed that she agreed that the sum sought (£8,302) was owing. She would like to pay the amount owed by way of instalments and provided brief details of her personal and financial circumstances. She confirmed that she lived with her partner and three grown-up children. Her partner does not work and they are no longer in receipt of benefits, although previously received Universal Credit. Her three children contribute approximately £20 per week/month each, which Ms Murray puts towards electricity costs. She works as a care coordinator and earns around £1,600 net per month. Ms Murray explained that the reason for the rent arrears was that when her Universal Credit stopped, she could not afford to pay the rent and just paid what she could. She wanted to offer around £50-£100 per month towards the debt and has sought advice from Money Matters.
3. Mr Jarvie stated that he does not have any instructions from the Applicant on 'time to pay' and explained that there has been no contact from the Respondent offering payment until now. His instructions had been to request an open payment order and he did not know whether the amount offered would be likely to be acceptable to the Applicant or not.
4. The Legal Member considered that more detailed information was required from the Respondent and that the Applicant should be given an opportunity to consider and respond to any offer made. The Respondent confirmed that she had received a Time to Pay application form with the Tribunal papers and was prepared to complete this, perhaps with advice from Money Matters. She confirmed that she could get this submitted to the Tribunal within 21 days. Mr Jarvie confirmed this was acceptable and would seek instructions from the Applicant on any offer made.
5. The Legal Member confirmed that she would adjourn the CMD for this purpose and would hopefully be able to decide the matter based on paperwork received,

rather than a further CMD having to be fixed. It was explained that a Direction would be issued and that, if the Respondent did not submit a completed form and offer of payment within 21 days, it was likely that the Legal Member would simply grant an open order against the Respondent, given that she admitted the sum sought. If a Time to Pay application was received, it would be forwarded to the Applicant's representative to take instructions and respond.

6. Ms Murray provided her email address and gave consent for communication from the Tribunal to be issued by email. Parties were thanked for their attendance at the CMD and informed that the paperwork following the CMD would be issued shortly.
7. The outcome of the CMD was that it was adjourned to allow a Time to Pay application to be submitted by the Respondent and for the Applicant's response to that. A Direction was issued in this regard to parties, together with the CMD Note outlining the discussions which had taken place.

Time to Pay Application and Response

5. On 12 August 2026, by email, the Respondent lodged a completed application for a Time to Pay Direction. However, some of the pages were unclear and the Respondent was asked to re-submit a fresh copy which she did on 16 August 2026. She admitted the amount of the debt claimed by the Applicant and offered to pay the sum of £8,302 to the Applicant at the rate of £50-£100 per month. She confirmed her household circumstances, details of her employment and monthly earnings, other income and her monthly outgoings. She explained how the rent arrears had come about and why she was seeking to pay the debt by way of instalments of the monthly amount offered.
6. A copy of the Time to Pay application was intimated to the Applicant's representative who responded by email on 18 August 2026. They pointed out an error in the Respondent's calculations and indicated that, although the Applicant was not prepared to accept £50-£100 per month, they would accept £150.
7. The Applicant's response was circulated to the Respondent who responded by email on 20 August 2026 to confirm that she understood and would start making payments of the agreed amount on 30 September 2026.
8. On 25 August 2026, the Applicant's representative emailed requesting that the parties' agreement be formalised by way of an Order.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 21 April 2022.

3. The tenancy ended on or around 7 September 2025 when the Respondent vacated the Property.
4. The rent due in respect of the tenancy was £700 per calendar month.
5. The rent arrears owing at the end of the tenancy amounted to £8,302 and this remains the balance owing.
6. The sum of £8,302 is due to the Applicant by the Respondent in respect of unpaid rent arising from this tenancy.
7. The Respondent admits the sum due and made an application for a Time to Pay Direction.
8. The parties have negotiated and reached agreement on instalment payments in the sum of £150 per month.

Reasons for Decision

1. The Tribunal considered the background papers, including the application and supporting documentation, such as the tenancy agreement and rent statement and the oral submissions made by both parties at the CMD. The Tribunal also considered the terms of the application for a Time to Pay Direction submitted by the Respondent, the response from the Applicant and the terms of the further communications received from both parties.
2. The Tribunal found that the payment application was in order and that the sum of £8,302 sought in terms of this application was owing by the Respondent in respect of unpaid rent. The Respondent admitted the debt and explained the reasons for the rent arrears arising, together with her confirmation that she had sought debt advice and her wish to pay off the amount owed by way of affordable monthly instalments. Although the Respondent's initial offer of £50-£100 per month was not acceptable to the Applicant, the Applicant's counter-proposal of £150 per month was agreed by her. She proposed to make her first payment on 30 September 2026 and there was no objection from the Applicant to this.
3. It was noted that the Respondent had asked the Tribunal for details as to how to make payments. It is explained that the Tribunal does not take anything to do with such payment arrangements and that payment arrangements should be made directly between the parties. It was hoped that the Applicant's representative would contact the Respondent directly in this regard, if this has not already been done.
4. The Tribunal determined that an order for payment in the above sum could properly be granted at this stage as there were no facts in dispute nor any other requirement for a further hearing to take place.

5. In terms of Section (1)(a) of the Debtors (Scotland) Act 1987, the Tribunal, being satisfied that it is reasonable in all the circumstances to do so, directed that the sum due to the Applicant shall be paid by instalments of £150 per month, with the first payment being made on or before 30 September 2026.

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 Weir

Legal Member/Chair

27 August 2026
Date