



**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/20/0766

**Re: Property at 2 Barnflat Court, Avenue Street, Rutherglen, Glasgow, G73 1JX
("the Property")**

Parties:

**Capita Trust Company Limited, c/o Touchstone, 2 Crescent Office Park, Clarks
Way, Bath, BA2 2AF ("the Applicant")**

**Mr Olatunde Onwukwe ("the First Respondent"), Ms Amina Hmkana ("the
Second Respondent"), 2 Barnflat Court, Avenue Street, Rutherglen, Glasgow,
G73 1JX (together, "the Respondents")**

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the First Respondent)

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

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondents in terms of their assured tenancy at the Property. The application is conjoined with an application for an order for possession (Tribunal ref: FTS/HPC/EV/20/0765). Both cases called for a case management discussion ("CMD") at 10am on 8 February 2021, by teleconference. The Applicant was represented on the call by Mr Caldwell of Patten and Prentice LLP, Solicitors. The First Respondent did not join the call and was not represented. The Second Respondent joined the call in person.

- Findings in Fact

1. The Respondents took occupation of the Property in terms of a short assured tenancy dated 26 June 2015.
2. The initial term of that tenancy was for 6 months, with the tenancy to run from month to month thereafter until terminated.
3. The rent in terms of that agreement was £625 per month.
4. The Applicant purchased the Property on 26 June 2015 and became infert upon its title being registered on 2 July 2015.
5. As of the date of the CMD, the Respondents owe the Applicant £4,825 in unpaid rent.

- Reasons for Decision

6. The Respondents owe the Applicant the sum sought and so an order for payment of that amount should be granted.

- Decision

7. Order granted for payment by the Respondents to the Applicant of the sum of £4,825 (FOUR THOUSAND, EIGHT HUNDRED AND TWENTY-FIVE POUNDS 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.

Nairn Young

-

08/02/2021

Legal Member/Chair

Date