



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/2644

**Re: Property at Broomfield Farm Cottage, West End, Star Fife, KY7 6JZ (“the
Property”)**

Parties:

**Balbirnie Home Farms, Pitillock Farm, Freuchie, Cupar, KY15 7JQ (“the
Applicant”)**

**Ms Chloe Swann and Mr Louis Delmaestro, residing at Broomfield Farm Cottage,
West End, Star Fife, KY7 6JZ (“the Respondent”)**

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment should be made.**

Background

The Applicant sought an order for payment of rental arrears totalling £2,276.28. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement and a schedule of outstanding rent. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 2.00pm on 31 March 2022 by telephone conference. The Applicant was represented by Ms B McCrostie of Martin & Co, letting agents. The time, date, and place of the case management discussion had been intimated to the respondent by Sheriff Officers.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property dated 29 November 2019.
2. The agreed rental was £580 per month.
3. The Respondent has failed to make payment of rent since September 2021. At the date of application, there were arrears of rental totalling £2,276.58. The respondent has made some payments to the applicant since September 2021, but those payments only go towards clearing a payment order previously made by the First tier Tribunal for Scotland.
4. At today's date, arrears of rental have increased to £3452.28.
5. Notice of the date of this hearing was served on the Respondent by sheriff officers on 17 February 2022.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £2,276.58. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £580 per month. The Respondent has not paid any rent since September 2021. At the date of application, there were arrears of rent totalling £2,276.58. The arrears of rent have increased since then.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding

the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle

Legal Member

Date 31 March 2022