



**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/21/0226

**Re: Property at Strathalmond, Drumshoreland, Broxburn, EH52 5PG (“the
Property”)**

Parties:

**Mr Stuart Robertson, 12 Route de Peney, 1214 Vernier, Genva, Switzerland (“the
Applicant”)**

**Ms Emma Rocca, Strathalmond, Drumshoreland, Broxburn, EH52 5PG (“the
Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member) and Frances Wood (Ordinary Member)

Decision

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

**Sum of FIVE THOUSAND TWO HUNDRED AND EIGHTY POUNDS (£5,280)
STERLING**

- Background
- 1. An application dated 27 January 2021 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 March 2021 by way of tele-conference. The Applicant was present and represented by Mr Harvey of Thorley Stephenson, solicitors. The Respondent was present and represented herself.
3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 65 of the Rules and under case reference FTS/HPC/EV/21/0225 was heard at the same time.
4. The Applicant moved for the order for payment to be granted as sought. 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 £5,280 at the time of the CMD. The arrears had commenced in October 2020 and there had been a continuous arrear to date. The sum sought in the application had been £3960. The Applicant sought to increase this to the sum of £5280.
5. The Respondent admitted that the sum of £5,280 was due and owing. She had suffered a decrease in income due to the pandemic. Her current earnings are £1100 per calendar month and her partner’s earnings were £1400 per calendar month. She had made enquiries with Citizens Advice Bureau and been advised she was not entitled to any further financial assistance. No submissions were made as to why nothing had been paid at all since September 2020.

- Findings in Fact

6. The Tribunal made the following findings in fact:
 - (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 25 March 2017;
 - (b) In terms of the said Agreement, the Respondent was obliged to pay a monthly rent of £1320 to the Applicant;
 - (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £5280.

- Reasons for Decision

7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £1320 per month under the said Agreement and had failed to do so. She had accrued arrears amounting to £5280 and which fell lawfully due to be repaid to the Applicant.
8. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

9. 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 FIVE THOUSAND TWO HUNDRED AND EIGHTY POUNDS (£5,280)

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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.

**Fiona Watson
Legal Member/Chair**

Date: 19 March 2021