

**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/21/1123**

**Re: Property at 6 2L Eden Street, Dundee, DD4 6HN (“the Property”)**

**Parties:**

**Ms Sharon Hutcheon, 22 Somerset Close, Derby, DE22 3XP (“the Applicant”)**

**Mr Franklin Matini, Mr Stallone Matini, 32 St Ronans Drive, Peterculter,  
Aberdeen, AB14 0RB (“the Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal 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 TWO THOUSAND SIX HUNDRED POUNDS (£2,600) STERLING**

- Background
  1. An application dated 11 May 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 Respondents in relation to rent arrears accrued under a short assured tenancy agreement, in the sum of £2,600.
- The Case Management Discussion
  2. A Case Management Discussion (“CMD”) took place on 27 July 2021 by tele-conference. The Applicant was represented by Hazel Young of Rockford

Properties. The Respondents were both personally present and Franklin Matini spoke on behalf of both.

3. The Applicant moved for the order for payment to be granted as sought. The parties had entered into a Short Assured Tenancy Agreement which commenced 3 October 2016 and ended 31 July 2018. The Respondents had failed to make payment of rent and had fallen into arrears amounting to £4,506 at the end of the tenancy. The Respondents had thereafter entered into a payment plan of £200 per month but this stopped in March 2020. Since then there had been sporadic payments of £50, but nothing paid at all to the arrears since September 2020. The arrears were now standing at £2656.
4. The Respondents submitted that the arrears were not disputed. They had suffered financial difficulties last year which meant they had been unable to continue with the payment plan. They were both students. Stallone Matini had a part-time job in security and Franklin Matini was about to commence part-time employment in security as well. They proposed to re-commence payments of £200 per month from 15 September 2021. They sought further time to allow them to make the proposed payments.
5. The Applicant's representative opposed a continuation and sought the order. She submitted that she would be prepared to agree not to enforce the order so long as the payments of £200 were met by the Respondents. They had paid nothing since September 2020, and the arrears had been in existence for some time now. The Respondents confirmed that they were agreeable to this proposal.

- 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 3 August 2016 and ended 31 July 2018;
- (b) In terms of Clause 5 of the Agreement, the Respondents were obliged to pay a monthly rent of £490 to the Applicant;
- (c) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £2,600.

- Reasons for Decision

7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £490 per month under Clause 5 of the Agreement and had failed to do so. They had entered into a payment arrangement which they had failed to adhere to. They had accrued arrears amounting to £2,600 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 TWO THOUSAND SIX HUNDRED POUNDS (£2,600) 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.**

**Fiona Watson**

**Legal Member/Chair**

**Date: 27 July 2021**