



**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 Reference Number: FTS/HPC/CV/20/2543**

**Re: Property at 103 Glenearn Road, Perth, PH2 0NW (“the Property”)**

**Parties:**

**Mrs Pamela Masson 11 Coldstream Avenue, Perth, PH1 1RZ, Mr Philip Masson  
84 Milton Park, London N6 5PZ and Mr Steven Masson, 11 Coldstream Avenue  
 (“the Applicants”) and**

**Macnabs LLP, 10 Barossa Place, Perth, PH1 5JX (“the Applicants’  
Representative”); and**

**Mrs Alison Dryburgh or Biello, 103 Glenearn Road, Perth, PH2 0NW (“the  
Respondent”)**

**Tribunal Member:**

**G McWilliams Legal Member**

**Decision:**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined as follows:**

**Background**

1. This is an Application for a payment order, contained in papers lodged with the Tribunal between 8<sup>th</sup> December 2020 and 13<sup>th</sup> January 202, under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”). (Application for civil proceedings in relation to an assured tenancy) for an order for payment in respect of claimed unpaid rent.

2. In the Application the Applicants sought payment in respect of rent arrears in the sum of £4100.00. The Applicants lodged a Statement of Rent Arrears in this amount with the Application.
3. The parties' Short Assured Tenancy Agreement had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures set out in that Act had been correctly followed and applied.
4. The Respondent had been validly served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 29<sup>th</sup> January 2021.

### **Case Management Discussion**

5. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 11.30am today, 2<sup>nd</sup> March 2021. The Applicants' Representative's Ms J McNicol and the Respondent attended.
6. Ms McNicol stated that the outstanding rent due at the date of the Application was £4100.00, and that the Applicants sought a payment order in that amount.
7. The Respondent agreed that the outstanding rent due is in the sum of £4100.00. She stated that she is presently furloughed from her employment, and receives a low wage. She said that she had informed the Applicant Mrs P Masson, when confirming that she was vacating the Property on 26<sup>th</sup> February 2021, that she would repay the rent arrears by standing order payments to Mrs Masson, commencing next week. The Respondent was unable to specify the amount/s of her proposed standing order repayments, or make a time to pay application to the Tribunal, at this time due to uncertainty in her employment position.

### **Statement of Reasons for Decision**

8. Section 16 of the Housing (Scotland) Act 2014 provides as follows:

"16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of schedule 1 makes minor and consequential amendments."

9. Accordingly, the Tribunal now has jurisdiction in relation to claims by landlords (such as the Applicants) for payment of unpaid rental monies against tenants (such as the Respondent) under a Short Assured Tenancy.
10. The Tribunal considered the terms of the Short Assured Tenancy agreement and the Statement of Rent Arrears, and the submissions made by Ms McNicol and the Respondent today. Having done so, the Tribunal was satisfied that the sum of £4100.00 is due to be paid to the Applicants by the Respondent and that it was reasonable to make an order for payment of that sum.

### **Decision**

11. The Tribunal made an order for payment by the Respondent to the Applicants of the sum sought of £4100.00.

### **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.**

**Gerald McWilliams**

**2<sup>nd</sup> March 2021**

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**Legal Member**

**Date**