

Housing and Property Chamber
First-tier Tribunal for Scotland



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/20/2508

Re: Property at 35 Restalrig Road, Edinburgh, EH6 8BD (“the Property”)

Parties:

Ms Gina Linda Cortellessa, 3A Jordan Lane, Edinburgh, EH10 4RB (“the Applicant”)

Mrs Marion Thomson, 35 Restalrig Road, Edinburgh, EH6 8BD (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

Background

This Application called for a Case Management Discussion by conference call at 2 pm on 11 March 2021. The Applicant was present and represented by Ms Rhona Ferguson. The Respondent was personally present. Both parties confirmed that were happy to proceed and there was no need for any delay. The matter called alongside the related matter of FTS/HPC/EV/20/2503 which related to an Eviction Order.

In this Application the Applicant was seeking a Payment Order in respect of rent arrears said to have been accrued by the Respondent at the Property.

The Case Management Discussion

Ms Ferguson confirmed that the current balance due was now £5,929.54 as a lump sum had been received reducing the sums outstanding. The Respondent confirmed that the sums claimed by the Applicant were accurate and that there was no valid reason as to why these sums should not be paid.

Findings in fact.

Having heard from all parties the Tribunal made the following findings in fact:

- I. The Applicant and the Respondent are parties to a tenancy agreement in respect of the Property that commenced on 15 July 2017;
- II. The Applicant is the landlord and the Respondent is the tenant.
- III. The contractual monthly rent due is £950.00;
- IV. The Respondent has fallen into rent arrears;
- V. At today's date, the sum of £5,929.54 is lawfully due as rent but remains unpaid.

Decision

Having made the above findings in fact, the Tribunal granted the Application to the extent of making a Payment Order against the Respondent in the sum of £5,929.54.

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.

Andrew McLaughlin

11/03/2021

Legal Member/Chair

Date