



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/18/3419

Re: Property at 7 Southfield Avenue, Ballingry, Fife, KY5 8JP (“the Property”)

Parties:

Fife Letting Service Ltd, 3 School Street, Cowdenbeath, Fife, KY4 8LT (“the Applicant”)

Mr Jac Duncan, Ms Gaynor Brown, 7 Southfield Avenue, Ballingry, Fife, KY5 8JP; 48 College Street, Buckhaven, Fife, KY8 1JY (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

- **This matter called for a Case Management Discussion at 11:30 am on 18 March 2019 at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy.**
- **The Applicant was represented by Mr Stuart Couser of Fife Letting Service Ltd. The First Respondent was personally present. The Second Respondent was not present or represented.**
- **It became apparent that there was no dispute that the Applicant was due £1,350.00 in unpaid rent arrears. The First Respondent confirmed that she had been in a relationship with the Second Respondent before separating and leaving the Property. The First Respondent acknowledged that she did not give formal notice to the Applicant of her having left the Property. The Tribunal considered that the terms of the tenancy made it clear that both Respondents were jointly and severally liable for their obligations under the tenancy.**
- **The First Respondent suggested that when she left the Property she had applied for another property with Fife Letting Service and so they should have known that she was no longer residing at the Property.**

- **Mr Couser was able to show the First Respondent's application for this further tenancy to the Tribunal. The First Respondent had the opportunity to examine this document and she confirmed its authenticity.**
- **This document appeared to demonstrate that the First Respondent had made no mention of her correct previous address in this form that might have allowed Fife Letting Service to easily link up her application with that of her previous occupation of the Property. Indeed, in the application form the First Respondent appears not to have accurately or fully listed her previous addresses as the form requested.**
- **The Tribunal determined that there was sufficient evidence contained within the Application to support the position that the Applicant had not received rent lawfully due in the sum of £1,350.00. The Tribunal considered that both Respondents were jointly and severally liable for this sum and accordingly the Tribunal made a Payment Order against both Respondents in the sum of £1,350.00. Mr Couser informed the Tribunal that he was not looking for any interest on that sum and so no award of interest was made.**

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.

Mr Andrew McLaughlin

Legal Member/Chair

18/3/19

Date