



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

Chamber Ref: FTS/HPC/CV/19/1076

Re: Property at 13 Woodburn Loan, Dalkeith, EH22 2ES (“the Property”)

Parties:

Ms Jennifer Wilson, 1 Still Haugh, Fountain Hall, Galashiels, TD1 2SL (“the Applicant”)

Mr Mark Black and Mrs Pauline Black, both of 13 Woodburn Loan, Dalkeith, EH22 2ES (“the Respondents”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondents jointly and severally to the Applicant of the sum of £1400 should be made.

Background

The Applicant is the Landlord and the Respondents the Tenants in respect of a Private Residential Tenancy of the Property.

The Case Management Discussion

A Case Management Discussion took place at George House, Edinburgh on 11 June 2019. The Applicant was represented by Jacqueline Barr of AM Lettings Ltd. The Respondents were neither present nor represented. Mrs Barr advised that there had been no contact from the Respondents. In separate earlier proceedings an order for eviction and for sums of rent due up to January 2019 had been made. The Respondents had recently been evicted from the Property.

Findings in Fact

The Applicant is the Landlord and the Respondents the Tenants in respect of a Private Residential Tenancy Agreement relating to the Property dated 12 January 2018.

In terms of the Tenancy Agreement, rent was payable at the rate of £700 per month in advance.

The Respondents have failed to pay the rent which fell due on 12 February and 12 March 2019, totalling £1400.

The Respondents' responsibility for payment is, in terms Clause 1 of the Tenancy Agreement, joint and several.

Reasons for Decision

The Tribunal is satisfied that the sum of £1400 is due by the Respondents to the Applicant.

Decision

An order for payment by the Respondents joint and severally of the sum of £1400 will be 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 John McHugh

John McHugh, Legal Member/Chair

11 June 2019

Date