



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/19/0965

Re: Property at 1F3, 15 Westfield Road, Edinburgh, EH11 2QS (“the Property”)

Parties:

Mrs Guita Tavakoli, 20 Barnton Park Drive, Edinburgh, EH4 6HF (“the Applicant”)

Mr Jerzy Bibro, Ms Beata Orlowska, 1F3, 15 Westfield Road, Edinburgh, EH11 2QS (“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 joint and severally by the Respondents of the sum of £2000 to the Applicant should be made.

Background

On 11 August 2014 the Applicant and the First Respondent entered into a tenancy agreement in respect of the Property in respect of which the Applicant was the Landlord and the First Respondent the Tenant.

The Second Respondent became a signatory to the tenancy agreement with effect from 15 November 2014.

The Case Management Discussion

A Case Management Discussion took place on 24 June 2019 at George House, Edinburgh. The Applicant was present and assisted by her husband. The Respondents were neither present nor represented.

The Applicant explained that the Second Respondent is Beata Orłowska but that her name had been recorded on the Tenancy Agreement only as "Beata O". The Applicant explained that the tenancy had begun on 11 August 2014 in respect of the First Respondent. The Second Respondent had moved in with the First Respondent from 15 November 2014. Both remained in occupation. There are separate eviction proceedings.

Findings in Fact

On 11 August 2014 the Applicant and the First Respondent entered into a tenancy agreement in respect of the Property in respect of which the Applicant was the Landlord and the First Respondent the Tenant.

The Second Respondent became a signatory to the tenancy agreement with effect from 15 November 2014.

Rent is payable under the Tenancy Agreement at the rate of £500 per month.

The tenancy agreement provides for joint and several responsibility on the part of the Respondents in respect of their tenancy obligations.

Rent is outstanding and unpaid in terms of the tenancy agreement in the sum of £2000, being the rent payments due on the 15th of each of the months December 2018 to March 2019 inclusive.

Reasons for Decision

The Respondents are jointly and severally responsible for the payment of rent at the rate of £500 per month. Rent totalling £2000 was due and has not been paid on the 15th of each of the months December 2018 to March 2019 inclusive.

The rent has continued to accrue since the date this Application began and the Applicant is free to begin new proceedings in respect of that further rent.

Decision

An order for payment joint and severally by the Respondents of the sum of £2000 to the Applicant should 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.

John McHugh

John McHugh, Legal Member/Chair

24 June 2019

Date