



**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/21/2618

**Re: Property at 6 Lower Bathville, Armadale, West Lothian, EH48 2JR (“the
Property”)**

Parties:

**Mr Brian Davies, The Villa, Main Street, Blackridge, West Lothian, EH48 3RJ
 (“the Applicant”)**

**Miss Kelly Walker, Ms Kirsty Jane Walker, 6 Lower Bathville, Armadale, West
Lothian, EH48 2JR; 30 Armadale Road, Whitburn, West Lothian, EH47 0EX
 (“the Respondents”)**

Tribunal Members:

Jim Bauld (Legal Member) and David MacIver (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of FOUR THOUSAND FIVE HUNDRED AND EIGHTY TWO POUNDS and SEVEN PENCE (£4,582.07)

Background

1. By application dated 23 October 2021 , the applicant sought an order under section 16 of the Housing (Scotland) Act 2014 and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 23 December 2021, the application was accepted by the Tribunal and referred for determination by the tribunal.

3. A Case Management Discussion (CMD) was set to take place on 11 March 2022 and appropriate intimation of that hearing was given to all parties

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 11 March 2022 .The applicant attended personally. The respondents did not attend
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the applicant's representative confirmed that she wished the tribunal to grant the order sought in the application .
6. The total sum claimed was £4,582.07 relating to rent arrears accrued by Miss Kelly Walker during her tenancy of the property
7. The applicant indicated to the tribunal that the respondents had ignored all correspondence from the applicant.

Findings in Fact

8. The Applicant and the first named Respondent as respectively the landlord and tenants entered into a tenancy of the property on 5 August 2013
9. The tenancy was a short assured tenancy in terms of the Housing (Scotland) Act 1988
10. In terms of the tenancy agreement the first named respondent were due to pay rent at a rate of £500 per month .
11. At the date of the CMD the respondent owed rent arrears to the applicant in the sum of £4,582.07, having accrued arrears during the course of the tenancy.
12. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.
13. The second named respondent had signed a guarantee agreement dated 31 May 2013 in which she undertook to pay to the applicant any losses incurred during the tenancy . She is accordingly jointly and severally liable for The arrears incurred and accrued by the first named respondent during the tenancy of the property

Reasons for Decision

14. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondents had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so
15. The tribunal noted that the sum claimed in the application was £4581.07. The tribunal noted that the sum shown as due in the rent statement provided by the applicant was £4582.07. The applicant requested that the payment order be made in the correct sum . The tribunal took the view that the difference in the sums was entirely trivial and that the application should be treated as being a request for payment in the sum of £4582.07 and granted the order in that sum
16. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

The order for payment of the sum of £4,587.02 is granted

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.

Jim Bauld

Legal Member/Chair

11/03/2022

Date