

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 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/18/1297

Re: Property at 50 West Benhar Road, Harthill, ML7 5PG (“the Property”)

Parties:

Mrs Angela De Britos, 20 Glenburn Gardens, West Lothian, EH47 8NL (“the Applicant”)

Mr David Anderson, Mr Michael Anderson, 48 North Reeves Place, West Lothian, EH47 8HE; 48 North Reeves Place, Whitburn, West Lothian, EH47 8HE (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for payment of rent arrears in relation to a private residential tenancy, in terms of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant seeks payment of the sum of £810. It called for a case management discussion at 11:30am on 12 September 2018. The Applicant was present with her husband Mr Pablo De Britos. The Respondents were not present or represented.

- Findings in Fact

In the absence of the Respondents, the following facts were uncontested:

1. The Property was let by the Applicant and her husband to the first Respondent in terms of a private residential tenancy from 26 January 2018 to 18 May 2018. The rent was agreed at £495 per calendar month. A deposit of

£595 was paid by the first Respondent in advance of his taking entry to the Property. The second Respondent agreed to guarantee all sums due to the Applicant in terms of the tenancy.

2. The first Respondent made payments of £200, £300 and £100 to the Applicant on 21 January, and 2 and 9 March 2018, respectively. The Applicant required to apply £25 of the deposit towards expenses occasioned by the first Respondent, but was returned the remaining £570 as against rent owed.

- Reasons for Decision

3. The Applicant let the property to the first Respondent for 3 whole months and 23 out of 30 days from a fourth month. The total rent due for that period was therefore £1,864.50. Payment of £600 was made and a further £570 was offset by the deposit. This leaves the sum of £694.50 outstanding. The Respondents are jointly and severally liable for this payment.

- Decision

Order made for payment of the sum of £694.50 (SIX HUNDRED AND NINETY-FOUR POUNDS AND FIFTY PENCE STERLING) by the Respondents to the Applicant.

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.

Nairn Young

Legal Member/Chair

12 SEPTEMBER 2018

Date