



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/22/3200

Re: Property at 90 Don Drive, Livingston, EH54 5LP (“the Property”)

Parties:

Ms Dana Hamlin, C/o Matriix Property Management Limited, 132 St Stephen Street, Edinburgh, EH3 5AA (“the Applicant”)

Ms Jolee De’Pares, 90 Don Drive, Livingston, EH54 5LP; Mrs Sandra Hale, 115 Nigel Rise, Dedridge, Livingstone, EH54 6LX (“the Respondents”)

Tribunal Members:

Alastair Houston (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that order for payment of £7859.81 be made in favour of the Applicant.

1. Background

- 1.1 This is an application under Rule 70 of the Chamber Rules whereby the Applicant seeks payment of unpaid rent due under a tenancy agreement between the Applicant and First Respondent. The application was accompanied by copies of the written tenancy agreement, the written guarantee given by the Second Respondent and a rent statement.
- 1.2 At the Case Management Discussion on 3 March 2023, the Tribunal had granted the Applicant’s application to add the Second Respondent as a party. The application had thereafter been continued to a further Case Management Discussion with intimation of the application being made to the Second Respondent.

1.3 On 20 April 2023, the Applicant lodged an updated rent statement with the Tribunal. This showed the arrears as at that date to be £7859.81. No representations had been received from the Respondents.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 27 April 2023 by teleconference. The Applicant was represented by Mr Gardiner, solicitor. The Respondents were neither present nor represented.

2.2 Mr Gardiner confirmed that the application was insisted upon and wished to proceed in the Respondents' absence. The Tribunal noted that intimation of the Case Management Discussion had been made to the Respondents and elected to proceed as permitted by Rule 29 of the Chamber Rules.

2.3 Mr Gardiner confirmed that he was seeking an order for payment of the sum outstanding as at the date of the updated rent statement, being £7859.81.

3. Decision

3.1 In terms of the written tenancy agreement between the Applicant and First Respondent, there was a liability to pay rent at the rate of £600.00 per calendar month. The rent statement lodged by the Applicant demonstrated that arrears of £7859.81 had accrued. In the absence of any suggestion that this sum was not due, the First Respondent was liable to pay the outstanding sum.

3.2 The Second Respondent had given a written guarantee which, in terms of paragraph 1.1, guaranteed payment of rent by the First Respondent. Accordingly, the Second Respondent was also liable for payment and the Tribunal granted an order against both.

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.

Alastair Houston

Alastair Houston

Legal Member/Chair

27 April 2023
Date