



**Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref:** FTS/HPC/TE/22/0737

**Property:** 1 Glenburn Cottages, Occumster, Lybster KW3 6AY (“the Property”)

**Parties:** Mr Paul Baker, 1 Glenburn Cottages, Occumster, Lybster KW3 6AY (“the Applicant”)

Mr Raymond Gunn, West Clyth Farm, Occumster, Lybster KW3 6AU (“the Respondent”)

**Tribunal Members:**

Mark Thorley (Legal Member)

Gordon Laurie (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent has provided the applicant with the requisite information and accordingly no sanction is made.

**Background**

1. The applicant applied to the Tribunal by application dated 8 February 2022. Accompanying the application was correspondence between the applicant and the respondent together with various messages sent between the parties. The application was received on 15 March 2022 and certain further information was sought. On 29 April 2022 the application was accepted for determination. At the hearing the applicant attended as did the respondent by teleconference.
2. It was accepted at the teleconference that a Tenancy Agreement had been prepared by the respondent. On going through the Tenancy Agreement it was noted that the only outstanding issue surrounding the terms of the Tenancy Agreement was the amount of rental. The issue was that the monthly rent was due to be £450 per month but an additional £100 per month was added in respect of heating provided by the respondent.
3. The applicant disputed that the sum agreed for the heating was £100 per month but indicated that the agreement had been at the sum of £25 per month.
4. The applicant did acknowledge that he had received a Tenancy Agreement.

### **Findings in Fact**

5. The applicant was provided with a Tenancy Agreement dated 2 March 2022.
6. At the time the Tribunal considered the application the landlord had provided the tenant with information.

### **Reasons for decision**

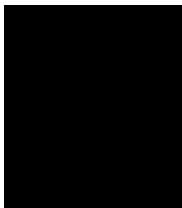
7. In terms of Section 16 of the Private Housing (Tenancies) (Scotland) Act 2016 on an application by a tenant under a private residential tenancy the Tribunal make an order where (“...(b) at the time the tribunal considers the application, the landlord has still not provided the tenant with the information.” The landlord had provided the tenant with information prior to the tribunal hearing taking place. As a result Section 16(2) of the Private Housing (Tenancies) (Scotland) Act 2016 is not invoked and no sanction can be made.

### **Decision**

8. The Tribunal makes no order.

### **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.**



**Legal Member/Chair:**

**Date:** 19 July 2022