



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 3

TENANCY INFORMATION

First-tier Tribunal's powers

16 First-tier Tribunal's power to sanction failure to provide information

- (1) On an application by the tenant under a private residential tenancy, the First-tier Tribunal may make an order under subsection (2) where—
 - (a) the landlord has failed to perform a duty arising by virtue of section 10 or 11 to provide the tenant with information,
 - (b) at the time the First-tier Tribunal considers the application, the landlord has still not provided the tenant with the information, and
 - (c) the landlord does not have a reasonable excuse for failing to perform the duty.
- (2) An order under this subsection is one requiring the landlord to pay the person who made the application an amount not exceeding—
 - (a) three months' rent, if the order is in respect of a failure by the landlord to perform—
 - (i) a duty arising by virtue of section 10, or
 - (ii) one or more duties arising by virtue of section 11,
 - (b) six months' rent, if the order is in respect of a failure by the landlord to perform—
 - (i) a duty arising by virtue of section 10, and
 - (ii) one or more duties arising by virtue of section 11.
- (3) An application under subsection (1)—
 - (a) may be made only during the course of the tenancy in question,
 - (b) where the application relates to a failure to perform a duty arising by virtue of section 10, may be made only as part of an application under section 14(1), and

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, Section 16. (See end of Document for details)

- (c) may not be made unless the tenant has given the landlord notice of the tenant's intention to make the application and the notice period described in section 17 has expired.
- (4) If—
- (a) an application has been made under subsection (1) in respect of a failure to perform a duty arising by virtue of section 11, and
 - (b) at the time the application was made, an application could have been made in respect of a failure to perform another duty arising by virtue of section 11,
- no application may be made in respect of that other duty.
- (5) Where two or more persons jointly are the landlord under the tenancy in question, an order by the First-tier Tribunal under subsection (2) may—
- (a) be made against all, some or only one of the joint landlords,
 - (b) state that each person against whom the order is made is liable to pay a specified amount, but the cumulative total of each of the specified amounts must not exceed the maximum set by subsection (2),
 - (c) state that each person against whom the order is made is jointly and severally liable for the whole amount to be paid.
- (6) In a case where two or more persons jointly are the tenant under a tenancy, references to the tenant in this section are to any one of those persons.
- (7) In subsection (2), “rent” means—
- (a) the amount that was payable in rent under the tenancy at the time that notice of the application was given to the landlord, and
 - (b) in a case where two or more persons jointly are the tenant under the tenancy, the amount mentioned in paragraph (a) divided by the number of those persons.

Commencement Information

II S. 16 in force at 1.12.2017 by [S.S.I. 2017/346](#), reg. 2, [sch.](#)

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