



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/23/4270

Re: Property at 3 Alex Shepherd Drive, Kincardine, FK10 4SD (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Court, Pentland Court, Glenrothes, KY6 2DA (“the Applicant”)

Mr Paul Wilson, 3 Alex Shepherd Drive, Kincardine, FK10 4SD (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Mary Lyden (Ordinary 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 an order for payment of rent arrears alleged to be owed in terms of the Respondent’s private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 19 March 2024, by teleconference. The Applicant was represented by Ms Brechany of TC Young, solicitors. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue he may have been experiencing, but there remained no contact from him.

Notice of the application and the CMD was served on the Respondent by sheriff officers on 1 February 2024. The Tribunal was therefore satisfied that the Respondent was aware of the CMD, but had chosen not to attend; and that it was fair to proceed in his absence.

- Findings in Fact

The following uncontested facts from the application were relied on by the Tribunal in making its decision:

1. The Applicant lets the Property to the Respondent in terms of private residential tenancy agreement with a start date of 24 December 2018.
2. In terms of that agreement, rent of £444.43 was initially due each month.
3. The rent figure has been raised by notice in April of each year of the tenancy.
4. There is no provision in the tenancy agreement for interest to be charged on an outstanding sum.
5. The outstanding rent at the date of the CMD is £8,226.55.

- Reasons for Decision

6. The Applicant applied to amend the application to seek award of the sum of £7,726.18, which was the amount of rent outstanding at the time. No opposition to this was entered by the Respondent. The Tribunal allowed the application.
7. The Tribunal noted that the sum sought, as amended, was less than the amount of rent actually owed and considered therefore that an order for payment should be made in the sum sought. The Tribunal was invited to make the award subject to interest at 8% p/a; but it declined to do so, on the

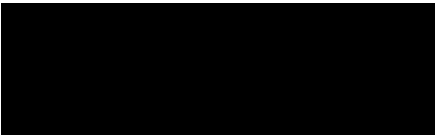
basis that the tenancy agreement does not make any allowance for interest on outstanding sums.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of SEVEN THOUSAND, SEVEN HUNDRED AND TWENTY-SIX POUNDS AND EIGHTEEN PENCE STERLING (£7,726.18).

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.



19 March 2024

Legal Member/Chair

Date