



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/23/1866

Re: Property at Flat 2, 19 Seacole Square, Edinburgh, EH16 4ZG (“the Property”)

Parties:

PFPC MMR 1 LP, 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicants”)

Mr Ross Paterson, Flat 2, 19 Seacole Square, Edinburgh, EH16 4ZG (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicants of the sum of £8,814.14. The Applicant’s request for interest on this sum was refused.

Background

1. By application, dated 5 June 2023, the Applicants sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicants. The sum sought was £5,634.19. The Applicants were also seeking an award of interest on the principal sum at the rate of 4% per annum.
2. The application was accompanied by a copy of a Private Rented Tenancy Agreement between the Parties commencing on 8 October 2021 at a monthly rent of £775, and a Rent Statement showing arrears at the date of application of £5,634.19 and the current rent as £816.85 per month.
3. On 27 September 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 18 October 2023. The Respondent did not make any written representations to the Tribunal.

4. On 30 October 2023, in an email copied to the Respondent, the Applicants' solicitors provided an updated Rent Statement showing arrears of £8,814.14 at 1 October 2023, and sought leave to amend the application to increase the sum sought to that amount.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 1 November 2023. The Applicants were represented by Mr Kenneth Caldwell of Patten & Prentice LLP, solicitors Greenock. The Respondent was not present or represented.
6. The Applicants' representative told the Tribunal that the arrears remain at £8,814.14, although the next payment was due today. He was seeking an Order to include interest on that sum at 4% per annum.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.
8. The Tribunal was content to allow the amendment sought in respect of the sum due and was satisfied that the amount now sought had become lawfully due by the Respondent to the Applicant.
9. The Tribunal refused the Applicants' request for interest on the principal sum sought. The Tenancy Agreement makes no provision for interest on unpaid rent and the Tribunal was not persuaded that it would be appropriate to award interest.

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 1 November 2023