



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/24/0076

Re: Property at South Kirkblain Farmhouse, Bankend, Dumfries, DG1 4RL (“the Property”)

Parties:

David John Pennell, Lady Clare Therese Kerr, and Nigel Gordon Helm Draffan, all of Lantonside, Glencaple, DG1 4RQ, as trustees acting under the will of the late Rt Hon Mary Katherine Lady Herries of Terregles dated 20 February 2015 as varied by Deed of Appointment and Retirement of Trustees dated 29 June 2018 (“the Applicants”)

Sheryl Landreth, Rose Cottage Wellington Street, Glencaple, Dumfries, DG1 4RA (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicants in the sum of FOURTEEN THOUSAND FOUR HUNDRED AND NINETY-THREE POUNDS AND TWENTY-NINE PENCE (£14,493.29) STERLING with Interest thereon at the rate of 9.25% per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 28 June 2024, until payment.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 28 June 2024. The Applicants were represented by Miss Wooley. The Respondent was not present or represented.

2. In this Application, the Applicants seek payment of the sum of £12,180, which they say is due to them as rent arrears stemming from a Private Residential Tenancy between the Parties, together with contractual interest thereon at the rate of 4% above the base rate from the date of the decision until payment.
3. In advance of the Case Management Discussion, the Applicants emailed the Tribunal on 12 June 2024 seeking, under Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, to increase the sum claimed from £12,180 to £14,493.29, under explanation that the PRT had ended and the increase sought reflected the rent arrears which were then outstanding. That application was made timeously by the Applicant, intimated to the Respondent, and not opposed by the Respondent. The Tribunal therefore allowed the amendment.
4. In terms of Rule 17(4) Rules of Procedure, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision; including the need to avoid unnecessary delay.
5. The Respondent has received service of a copy of the Application, together with notice of the CMD. She has chosen not to lodge written representations disputing the contents of the Application, nor to appear at the CMD to contest the assertions made by the Applicants. In the circumstances, the Tribunal is satisfied that the Respondent does not dispute that she is liable to make payment to the Applicants in the sum claimed for the reasons asserted.
6. Accordingly, the Tribunal is satisfied that the Respondent is under contractual obligation to make payment to the Applicants in the sum of £14,493.29, and for interest on that sum accruing at the contractual rate of 9.25%, being 4% above the current base rate of 5.25%, from the date of the Tribunal's decision, being 28 June 2024, until payment. The Tribunal will grant an order for payment in those terms.

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.

Andrew Upton

Legal Member/Chair

28 June 2024
Date