



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/2257

Re: Property at 3C Dorward Drive, Crail, Fife, KY10 3WJ (“the Property”)

Parties:

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

Miss Caitlin Wishart, Mr John Hughes, 3C Dorward Drive, Crail, Fife, KY10 3WJ (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (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 to grant an order for payment in the sum of SIX THOUSAND NINE HUNDRED AND SEVENTY-SEVEN POUNDS AND NINETY-FIVE PENCE (£6977.95) with interest thereon at the rate of 5% per annum from the date of the decision.

Background

1. By application dated 17 May 2024 the applicant seeks an order for payment in respect of rent arrears. The application was conjoined with application reference FTS/HPC/EV/24/2254 seeking an order for eviction relying on ground 12 (rent arrears) in Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:

- Copy tenancy agreement
 - Rent statement
 - Rent increase notice
3. By email dated 18 October 2024 the applicant sought to increase the sum sought to £6977.95 in terms of Rule 14A to reflect the increased level of rent arrears. The request to amend the sum sought was intimated on the respondents by letters also dated 18 October 2024.

Case management discussion (“cmd”) – teleconference – 5 November 2024

4. The applicant was represented by Ms Callaghan, TC Young solicitors. The respondents were not present or represented. The Tribunal was satisfied that the respondents had received proper notice of the cmd and proceeded with the cmd in their absence in terms of rule 29.
5. Ms Callaghan sought to amend the sum as requested in terms of rule 14A to the increased figure of £6977.95. She referred to the tenancy agreement which had been lodged. In terms of clause 8 the respondent undertook to pay rent to the applicant at the rate of £462.93 per month. She stated that the rent had been increased on 2 occasions, most recently to £503.04 from 1 August 2023. Ms Callaghan submitted that the rent account which had been lodged showed that the amount sought was outstanding. She stated that the applicant had sought to engage with the respondents on a number of occasions to address the arrears however the respondents had not been in contact since February 2023. Ms Callaghan advised that she did not have information as to whether benefits were being paid to the respondents in respect of rent however, no payments were being made to the applicant. Ms Callaghan sought interest at the rate of 5% which was the amount stated in the lease agreement in relation to outstanding arrears.
6. It was noted from the papers which had been lodged by the applicant that the tenancy had been signed between the respondents and the owners Caraille Green NHT 2012 LLP. The property had been purchased by Kingdom Housing Association Limited who had let the property to the applicant in terms of a Head Lease dated 12 March 2021, copy of which was lodged with the conjoined applications.

Findings in fact

1. The respondents entered into a private rented tenancy agreement in respect of the property with a commencement date of 28 December 2018.
2. The property was sold to Kingdom Housing Association who leased the property to the applicant.
3. The applicant is the landlord of the property.
4. Monthly rent due in terms of the tenancy agreement is £503.04.
5. Arrears as at 18 October 2024 amounted to £6977.95.
6. The amount of interest to be charged on outstanding arrears specified in the tenancy agreement is 5%.

Reasons for the decision

7. The Tribunal had regard to the application and the documents lodged by the applicant.
8. The Tribunal gave particular weight to the fact that the respondents had not submitted any defence to the application or disputed the sum sought in any way.
9. The Tribunal was satisfied that the request to amend the sum sued for had been made in compliance with rule 14A and allowed the requested amendment.
10. The Tribunal was satisfied that arrears in the amount of £6977.95 were lawfully due as at the date of the cmd.
11. The Tribunal determined that it was reasonable to award interest on the outstanding sum at the rate of 5% which was the amount stated in the tenancy agreement.

Decision

The Tribunal determined to grant an order for payment in the sum £6977.95 with interest thereon at the rate of 5% per annum from the date of the decision.

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.

Mary-Claire Kelly

Legal Member/Chair

**5 November 2024
Date**