



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/24/3399

Re: Property at 76 Balgate Mill, Beaulay, IV4 7GL (“the Property”)

Parties:

HHA3 LLP, 28 Queensgate, Inverness, IV1 1DJ (“the Applicant”)

Ms Laura Mackenzie Sandeman, unknown, unknown (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Frances Wood (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 by the Respondent to the Applicant in terms of a private residential tenancy agreement. It called for case management discussion (‘CMD’) at 2pm on 9 January 2025, by teleconference. The Applicant was represented on the call by Ms Kelly Campbell and Ms Gail Matheson and by Ms Callaghan, of TC Young, solicitors. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 5 minutes in case she was experiencing any technical difficulty; but there remained no contact from her.

Notice of the application and the CMD was served by advertisement placed on the Tribunal website on 12 December 2024. The Tribunal therefore considered that proper notice had been given and that it was fair to proceed on the basis the matter was unopposed.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 9 May 2023.
2. In terms of the tenancy agreement, rent of £648.58 is due on the 1st day of each month.
3. There is no provision in the tenancy agreement for interest to be applied to any outstanding sum.
4. The Respondent paid no rent on 1 December 2023 and has made no rental payments since that date.
5. As at the date of the CMD, the Respondent's rent arrears stood at £9,282.50.

- Reasons for Decision

6. On 19 December 2024, the Applicant applied to amend the principal sum sought in the application to £8,600.19. The Tribunal began by granting that application, there having been no opposition made to it. Thereafter, the amount of rent arrears outstanding now actually being in excess of the sum sought, an order for payment of £8,600.19 was made.
7. The Applicant had also asked the Tribunal to make any award subject to interest at a rate of 8% per annum. The Tribunal declined to do so. The parties did not agree that outstanding sums would be subject to interest in the

tenancy agreement, and they could not therefore have expected interest to be applicable to such sums. In those circumstances, the Tribunal considers it would be unduly punitive to apply interest to this order.

- Decision

Order granted for payment by the Respondent to the Applicant of the sum of EIGHT THOUSAND, SIX HUNDRED POUNDS AND NINETEEN PENCE STERLING (£8,600.19).

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.

Nairn Young

09/01/2025

Legal Member/Chair

Date