

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/24/4118

Re: Property at 14 McKay Court, Leven, Fife, KY8 4FU (“the Property”)

Parties:

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

Mr Jacob Allan, Ms Rachel Gray, 14 McKay Court, Leven, KY8 4FU; 14 McKay Court, Leven, KY8 4FU (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondents to the Applicant in the sum of £9856.63.

Background

1. By application dated 5 September 2024 the Applicant’s representatives t C Young, Solicitors, Glasgow applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicants submitted a copy of the tenancy agreement together with a rent statement and a rent increase notice in support of the application.
2. By Notice of Acceptance dated 30 September 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 26 February 2025.
4. By email dated 13 March 2025 the Applicant's representatives sought to amend the sum claimed to £9856.63.

The Case Management Discussion

5. A CMD was held by teleconference on 2 April 2025. The Applicant was represented by Miss Simone Callaghan from T C Young, Solicitors, Glasgow. The Respondents did not attend nor were they represented. The Tribunal being satisfied that proper intimation had been given to the Respondents determined to proceed in their absence.
6. Miss Callaghan advised the Tribunal that the rent arrears currently amounted to £9856.63 and referred the Tribunal to the application to amend dated 13 March 2025. The Tribunal being satisfied that the application to amend was timeous and had been properly intimated to the Respondents, allowed the sum claimed to be amended to £9856.63. Miss Callaghan asked the Tribunal to grant an order for payment in that amount together with interest at the rate of 8% per annum. In response to a query from the Tribunal Miss Callaghan confirmed there was no contractual provision in the tenancy agreement for interest but asked the Tribunal to exercise its discretion in terms of Rule 41A of the Tribunal's Rules of Procedure.

Findings in Fact

7. The Respondent owed rent of £9856.63 as at 4 March 2025 and this amount was still outstanding at the date of the CMD.

Reasons for Decision

8. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £9856.63.
9. The Tribunal carefully considered the Applicant's request for interest on the sum claimed and whether it should exercise its discretion in terms of Rule 41A of the Tribunal's Rules of Procedure but as there was no contractual basis for interest to be paid on the outstanding rent the Tribunal was not satisfied that interest should be applied.

Decision

10. The Tribunal finds the Applicant entitled to an order for payment by the Respondents to the Applicant in the sum of £9856.63.

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.

Graham Harding

**Graham Harding
Legal Member/Chair**

**2 April 2025
Date**