

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/24/4023

Re: Property at 53 Myrekirk Terrace, Dundee, DD2 4SQ (“the Property”)

Parties:

Majesty Serviced Apartments Limited, The Old Mill, First Floor, Broadstone Hall Road South, Stockport, SK5 7BY (“the Applicant”)

Mr Danny Weston, 563f South Road, Dundee, DD2 4QB and Miss Eden Hart, 105a Kingsway East, Dundee, DD4 8DA (“the Respondents”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

At the Case Management Discussion (“CMD”), which took place by telephone conference on 2 April 2025, the Applicant was represented by Mr Dean of Bannatyne Kirkwood France & Co, Solicitors, Glasgow. The Respondents were neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the First Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Prior to the CMD the Tribunal had received from the Applicant’s representative an email dated 19 March 2025 with attachments relative to an amendment of the Application.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondents in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 6 October 2021.
- ii. The rent payable in terms of the PRT is £800 per calendar month.
- iii. The rent was increased to £824 per calendar month with effect from 6 October 2023.
- iv. The rent arrears due as at the date of the application (30 August 2024) were £6,061.

The CMD

At the CMD Mr Dean for the Applicant made the following representations:-

- i. The Respondents have both vacated the Property from 4 February 2025.
- ii. The rent arrears as at 15 January 2025 had increased to £9,282.90.
- iii. The rent increase notice previously served by the Applicant was not challenged by the Respondents.
- iv. The Applicant seeks to amend the Application to increase the sum claimed to £9,282.90 in terms of Rule 14A of the Rules.
- v. The PRT contains no provision for payment of interest on rent arrears.
- vi. The Applicant seeks a payment order.

Findings in Fact

- i. The Applicant leased the Property to the Respondents in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 6 October 2021.
- ii. The rent payable in terms of the PRT is £800 per calendar month.
- iii. The rent increase notice previously served by the Applicant was not challenged by the Respondents.
- iv. The rent was increased to £824 per calendar month with effect from 6 October 2023.
- v. The rent arrears due as at the date of the application (30 August 2024) were £6,061.
- vi. The Respondents both vacated the Property from 4 February 2025.
- vii. The rent arrears as at 15 January 2025 had increased to £9,282.90.
- viii. The PRT contains no provision for payment of interest on rent arrears.

Reasons for Decision

The Respondents did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Mr Dean at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal granted the Applicant's application to amend the sum claimed to £9,282.90.

As the PRT contains no provision relative to interest the Tribunal is not prepared to make an order for payment of interest on the arrears due.

Decision

The Tribunal amended the Application to increase the sum claimed to £9,282.90 and thereafter granted a payment order against the Respondents jointly and severally in favour of the Applicant in that amount.

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.

Gillian Buchanan

Legal Member/Chair

Date 2nd April 2025