



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/EV/23/0398

Property : 23 Hillhouse Wynd, Kirknewton EH27 8BU (“Property”)

Parties:

Sarah Carpenter, 3 Galvemore Street, Crieff PH7 4DN (“Applicant”)

Laura Peffers and Christopher McLelland, current whereabouts unknown (“Respondent”)

**Tribunal Members:
Joan Devine (Legal Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £4484.04 should be made.

Background

The Applicant sought an order for payment of £4105.27 in respect of rent arrears, interest and administrative charges. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 24 November 2020; a rent statement and sheriff officer's execution of service certifying service of the Application on 17 March 2023.

By email dated 13 April 2023 the applicant sought to amend the sum claimed to £6000.41. The Applicant also lodged a statement of account; a communication to the Respondent dated 12 April 2023 regarding an outstanding amount of £6000.41; a note of arrears as at April 2023; photographs of the Property and an inventory and check in report.

Case Management Discussion

A case management discussion took place before the Tribunal on 24 April 2023 by teleconference. The Applicant was in attendance. There was no appearance by the Respondent. The Applicant told the Tribunal that the Respondent had left the Property

on 20 March 2023. She did not have a forwarding address for them. She said that she was communicating with the Respondent by email. She said they had acknowledged receiving her communication of 12 April 2023 which was sent by email to both Respondents. The Tribunal explained to the Applicant that where an amendment raised a new issue the Respondent must be given 14 days notice and an opportunity to respond. The Tribunal noted that the sum claimed for "exit costs" of £2611.37 was a new issue and that only 12 days notice had been given to the Respondent of this new issue. The total claimed in respect of rent arrears, interest and administrative charges was £4484.04.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 24 November 2020 ("Tenancy Agreement").
2. In terms of the Tenancy Agreement the rent was £995 per month.
3. The Respondent had failed to pay the rent in full for the period 26 December 2021 to 26 February 2023.
4. In terms of the Tenancy Agreement the Applicant was entitled to interest on unpaid rent at the rate of 8% per annum.
5. In terms of the Tenancy Agreement in the event the Respondent failed to pay the rent within 7 days of the due date, the Applicant was entitled to an administration fee of £25 plus vat per reminder issued.
6. Notice of the date of the case management discussion had been given to the Respondent on 17 March 2023.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £995 per month. The Respondent had failed to pay the rent in full for the period 26 December 2021 to 26 February 2023. In terms of the tenancy agreement the Applicant was entitled to charge interest at 8% and to charge administration costs of £25 plus vat per reminder. The total outstanding in respect of these heads of claim had been stated as £4105.27 in the Form F and had increased to £4484.04. The increased sum claimed in respect of rent, interest and administration charges had been intimated to the Respondent by email on 12 April 2023. The Tribunal allowed the sum claimed to be amended in terms of rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure)

Regulations 2017 with the period for intimation of the amendment being reduced to 12 days in terms of rule 16A.

Decision

The Tribunal grants an order for payment of £4484.04.

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.

**Joan Devine
Legal Member**

Date: 24 April 2023