



**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/22/2051**

**Re: Property at G14 Keptie Street, Arbroath, Angus, DD11 1RG (“the Property”)**

**Parties:**

**Carling Property Group (formerly FTP (Angus) Ltd), Alloway Hall, Alloway Place West, Dundee, DD4 8UA (“the Applicant”)**

**Miss Elaine Galbraith, G14 Keptie Street, Arbroath, Angus, DD11 1RG (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Respondent)**

**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 Respondent to the Applicant in the sum of £3584.17.**

**Background**

1. By application dated 24 June 2022 the Applicant’s representatives, Bannatyne Kirkwood France & Co applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. 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 12 August 2022.

4. By email dated 14 September 2022 the Applicant's representatives sought to amend the sum claimed to £3584.17 plus interest.

### **The Case Management Discussion**

5. A CMD was held by teleconference on 28 September 2022. The Applicant was represented by Miss Wooley from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation of the proceedings had been given to the Respondent determined to proceed in her absence.
6. Miss Wooley referred the Tribunal to the rent statement submitted with her email of 14 September and confirmed that the amount outstanding remained at £3584.17 as no further payments had been made by the Respondent.
7. Miss Wooley confirmed the parties had entered into a Private Residential Tenancy Agreement that had commenced on 20 January 2021 at a rent of £525.00 per calendar month. She advised the Tribunal that the Applicant had changed its name from FTP(Angus) Ltd to Carling Property Group but did not know the date on which the change of name took place but that it was after the formation of the tenancy.
8. Miss Wooley asked the Tribunal to grant an order for payment for the increased sum of £3584.17 plus interest and confirmed that intimation of the amendment had been sent to the Respondent by email on 14 September 2022.
9. In response to a query from the Tribunal Miss Wooley confirmed that there was no contractual agreement for interest to be applied in terms of the tenancy agreement but that interest could be applied to any sum awarded at the discretion of the Tribunal and asked that the Tribunal grant the order with interest at the rate of 3% per annum.

### **Findings in Fact**

10. The parties entered into a Private Residential Tenancy agreement that commenced on 20 January 2021 at a rent of £525.00 per calendar month.
11. The Respondent has accrued rent arrears amounting to £3584.17.

### **Reasons for Decision**

12. The Tribunal was satisfied from the written representations, the documents produced and the oral submissions that the parties had entered into a Private Residential Tenancy that commenced on 20 January 2021 at a rent of £525.00 per calendar month.

13. The Tribunal was also satisfied that the Respondent had fallen into arrears of rent and as at the date of the CMD owed the Applicant £3584.17.
14. The Tribunal noted that intimation of the Applicant's amendment of the sum claimed had been given to the Respondent and it allowed the sum claimed to be amended to £3584.17.
15. The Tribunal considered the Applicant's representatives claim for interest on any sum to be awarded but in the absence of a contractual right to interest the Tribunal was of the view that no interest should be awarded.

## **Decision**

16. The Tribunal having considered all of the information before it and being satisfied it could make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £3584.17.
17. The decision of the Tribunal is unanimous.

## **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**

**28 September 2022  
Date**