



**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/23/3936**

**Property : 347 Taransay Park, Glenrothes, Fife KY7 6RS ("Property")**

**Parties:**

**Iain Honeyman, 50 Leven Road, Lundin Links, Fife KY8 6AH ("Applicant")**

**Emma Vallance, 345 Taransay Park, Glenrothes, Fife KY7 6RS ("Respondent")**

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

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for payment of £739.73 plus interest thereon at the rate of 4% per annum should be made, payable at the rate of £100 per month.**

**Background**

The Applicant sought an order for payment of £739.37 plus interest in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Tenancy Agreement dated 20 June 2018; screenshots of text messages between the Parties and communications from the Applicant's Solicitor to the Respondent regarding rent arrears of £739.73 for the period 20 May 2023 to 9 July 2023. The Application was served on the Respondent by Sheriff Officer on 12 January 2024. The Respondent lodged an application for time to pay dated 6 February 2024 in which she admitted liability for the sum claimed and sought time to pay at the rate of £100 per month. On 21 February 2024 the Applicant lodged a response to the time to pay application in which he stated that he was content with the proposal for time to pay.

**Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 20 June 2018 ("Tenancy Agreement").

2. In terms of the Tenancy Agreement the rent was £450 per month.
3. The Respondent had failed to pay the rent in full for the period 20 May to 9 July 2023. The unpaid amount was £739.73.

### **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 £450 per month. The Respondent had failed to pay the rent in full for the period 20 May to 9 July 2023. The outstanding sum is £739.73. the Applicant had sought interest “at the statutory rate”. The Tenancy agreement did not contain a contractual entitlement to interest. In terms of rule 41A the Tribunal may award interest at a rate determined by the Tribunal. 4% is a reasonable rate.

### **Decision**

The Tribunal grants an order for payment of £739.73 plus interest thereon at the rate of 4% per annum. The sum due is payable at the rate of £100 per month.

### **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

**Joan Devine  
Legal Member**

**Date : 28 February 2024**