



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/1069

Re: Property at 8 Teavarran, Kiltarlity, By Beaully, IV4 7HT (“the Property”)

Parties:

**Andrew Thomas Mackenzie, Caroline Annette MacKenzie, Craggan Lodge,
Cragganvallis, Kiltarlity, by Beaully, IV4 7HT (“the Applicants”)**

**James Cameron, Kacey Cameron, 8 Teavarran, Kiltarlity, By Beaully, IV4 7HT
 (“the Respondents”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Angus Lamont (Ordinary Member)

Decision

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

BACKGROUND

1. By Lease dated 22nd February 2017 the Applicants let the property to the Respondents;
2. The rent payable was £950 per calendar month;
3. The Respondents fell into arrears of rent. As a result, the Applicants raised proceedings before the Tribunal seeking an order for payment of rent arrears. The application was presented to the Tribunal on 6th May 2021 at which time the arrears of rent amounted to £2,850.00;
4. A Case Management Discussion was held on 25th June 2021 and was thereafter adjourned until 27th August 2021;
5. As at 27th August 2021, the arrears of rent had increased and now amounted to £5,700. The Respondents accepted the arrears in that amount;

THE CASE MANAGEMENT DISCUSSION



6. The Applicants were represented at the Case Management Discussion on 27th August 2021 by Mr Smith of South Forrest Solicitors, Inverness. Both Respondents participated personally;
7. Mr Smith moved the Tribunal, in terms of Rule 14A of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 to amend the amount claimed to £5,700.00. The Respondents had no opposition to that;
8. The Respondents thereafter confirmed that they accepted the rent arrears were in that amount and consented to an order being granted for payment in that amount;
9. Discussion took place about whether a time to pay direction should be made but the Respondents ultimately stated that due to uncertainty about their income in the forthcoming months, they would have difficulty making a realistic proposal at this stage. They are aware of their right to seek a time to pay direction after an order is granted and may do so;

FINDINGS IN FACT

10. The Tribunal found the following facts to be established:-
 - a) By Lease dated 22nd February 2017, the Applicants let the property to the Respondents. The rent payable was £950.00 per calendar month;
 - b) As at 27th August 2021 arrears of rent amounted to £5,700.00. That amount is due, resting and owing by the Respondents to the Applicants.

REASONS FOR DECISION

11. The Lease made provision for payment for rent and the Respondents accepted that they had fallen into arrears of rent and accepted that the arrears amounted to £5,700.00 as at 27th August 2021;
12. The Application requested an Order for payment with interest thereon at the rate of 8 percent per annum. A rate of interest at 8 percent per annum is what is often referred to as a judicial rate of interest applicable to actions in the Sheriff Court. These proceedings, of course, are before the Tribunal and not the Sheriff Court and the Judicial rate of interest is not applicable;
13. The Lease made no provision for payment of interest on late payments;
14. In the circumstances, an Order for Payment in the amount of £5,700 was made;
15. Discussion took place at the Case Management discussion in relation to a time to pay direction. It became clear, however, that because of the uncertain financial position of the Respondents that it was unlikely that any realistic



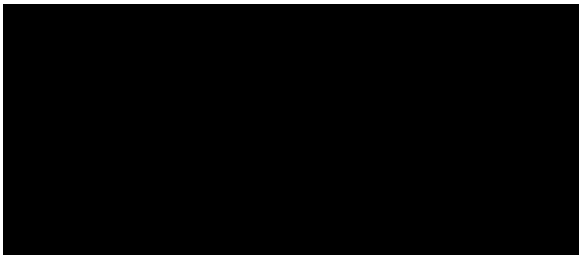
payment proposal would be able to be advanced. Accordingly no time to pay direction was made.

DECISION

The Tribunal granted an order against the Respondents for payment of the sum of FIVE THOUSAND SEVEN HUNDRED POUNDS (£5,700.00) STERLING to the Applicants:

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.



27 August 2021

Legal Member/Chair

Date