



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/24/5383

Re: Property at 15E Dens Road, Dundee, DD3 7JL (“the Property”)

Parties:

Hillcrest Enterprises Limited, 1 Explorer Road, Dundee, DD2 1EG (“the Applicant”)

Mr Christopher Ward, 15E Dens Road, Dundee, DD3 7JL (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr T Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £1338.89 with interest thereon at the rate of 4.25% per annum.

Background

1. This is a Rule 111 application received on 21st November 2024. The Applicant was seeking an order for payment in the sum of £3657.10 with interest thereon at the rate of 8% per annum. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 17th July 2020 at a monthly rent of £562.40. The Applicant lodged a rent statement and rent increase notification.
2. The Respondent lodged written representations by emails dated 28th and 29th May 2025. The Respondent stated the current level of arrears was £1168.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 11th June 2025. The Applicant was represented by Ms Simone Callaghan, Paralegal, TC Young. The Respondent was in attendance.

4. Ms Callaghan said the monthly rent is now £620.11. The current level of arrears is £1588.89.
5. The Respondent said he had paid the sum of £200 on the day of the CMD, so the arrears were now £1388.89.
6. During an adjournment, Ms Callaghan took instructions to confirm the level of arrears and thereafter moved the Tribunal to grant an order in the sum of £1388.89 with interest thereon at 8%.
7. The Tribunal granted the order and adjourned to consider the rate of interest to be applied.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 17th July 2020 at a monthly rent of £562.40.
 - (ii) The monthly rent was increased to £620.11 from 1st August 2023.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

9. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due.
10. The Tribunal determined that the rate of interest should be in line with the use value of the money and determined the rate of 4.25% was an appropriate rate.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £1388.89 with interest thereon at the rate of 4.25% per annum from the date of this decision until payment.

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.

Helen Forbes

Legal Member

Date 11th June 2025