



**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/25/0960

Re: Property at Flat 2/1 465 Strathmartine Road, Dundee, DD3 9DQ (“the Property”)

Parties:

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

Mr Nikolay Evtimov, Flat 2/1, 465 Strathmartine Road, Dundee, DD3 9DQ (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of £4833.38 be made in favour of the Applicant together with interest at the rate of 4.5% per annum from the date of the decision until payment

Background

1. The Applicant sought an Order for Payment of £4917.77 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were a Tenancy Agreement with a start date of 9 July 2019, and a rent statement showing arrears of £4917.77.
2. The Application is accompanied by a copy of the tenancy agreement and rent statements.
3. The Applicant had competently sought to amend the sum claimed from £4917.77 to £5117 in advance of the Case Management Discussion.

4. The Application was conjoined with an application for Eviction under chamber reference FTS/HPC/EV/25/0959.
5. Sheriff Officers had effected service on the Respondent successfully on 12 June 2025.

Case Management Discussion (CMD) on 1 August 2025

6. A CMD took place before the tribunal on 1 August 2025 by teleconference. Ms Callaghan, from the Applicant's representatives, TC Young was in attendance. There was no appearance by the Respondent.
7. Ms Callaghan referred the tribunal to two rent increase notices which had increased the Respondent's rent from the original rent stated in the tenancy agreement of £321.56, to £344.45 on 1 August 2023, and £371.14 on 1 August 2024.
8. As at the date of the CMD, a payment of £283.62, made on 23 July 2025, was not included in the most recent rent statement provided to the Tribunal, and in the circumstances, Ms Callaghan sought an Order in the amount of £4833.38 to reflect that payment having been received.
9. At present therefore, the Respondent is due the Applicant by way of rent arrears £4833.38. Interest at the rate of 8% was sought on the Order for Payment. The tribunal indicated to Ms Callaghan that the current market interest rates in place were between 4 and 5 % per annum. Ms Callaghan said that she would be satisfied with an interest award at around that rate.

Findings in Fact

10. The parties entered into a Private Residential Tenancy with a commencement date of 9 July 2019.
11. The rent payments due under the lease were £321.56 per calendar month due in advance each month with the payments due on the final day of each month.
12. The rent payments were increased to £344.45 on 1 August 2023 and £371.14 on 1 August 2024.
13. The Respondent has persistently not made rent payments.
14. The Respondent has been in arrears of rent since November 2023.
15. The amount outstanding as at today's date is £4833.38.
16. The Applicant seeks £4833.38 which is lawfully due to them in rent in terms of the lease.

Reasons for Decision

17. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties.
18. The lease makes no provision for interest to be charged on late payments of rent.
19. Having made the above findings the tribunal determined to grant the Payment Order sought in favour of the Applicant together with interest at 4.5% per annum from today's date until payment. The tribunal noted there was a history of rent arrears over more than a year and a half of the tenancy. The Applicant appeared to have made sustained efforts to obtain the sums due in rent. The Respondent did not engage with the Tribunal proceedings and is still in occupation of the property. The tribunal was satisfied that it was reasonable to grant a Payment Order with interest at 4.5% per year given current market interest rates in place.

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.

Y.McKenna

Legal Member/Chair

1 August 2025

Date