

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/CV/25/2610

Re: Property at 2/7 Pikes Pool Drive, Kirkliston, Edinburgh, EH29 9GH (“the Property”)

Parties:

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

Mr Upenyu Clackford Phiri, 2/7 Pikes Pool Drive, Kirkliston, Edinburgh, EH29 9GH (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of SEVEN THOUSAND SIX HUNDRED AND FORTY-ONE POUNDS AND SIXTY-TWO PENCE (£7,641.62) with Interest thereon at the rate of eight per cent (8%) per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 30 January 2026, until payment.

- **Background**
 1. An application was submitted to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a private residential tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion took place on 30 January 2026. The Applicant was represented by Ms Donnelly of TC Young, Solicitors. The Respondent appeared personally and represented himself.
3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 109 of the Rules and under case reference FTS/HPC/EV/25/2609 was heard at the same time.
4. The Applicant's representative moved for the order for payment to be granted in the increased sum of £7,641.62. The parties had entered into a Private Residential Tenancy Agreement which commenced 23 February 2024. The Respondent had failed to make payment of rent and at the time of submitting the application had fallen into arrears amounting to £5,208.96. Since submitting the application, although some payments had been made, the arrears had increased to £7,641.62.
5. The Respondent submitted that he did not dispute the level of arrears due. He had travelled to Zimbabwe following the death of his father in June 2024 and had spent a lot of time going back and forth between the UK and Zimbabwe to assist his ill mother, and this had led to being put on unpaid leave by his employer with no wages. He is now back in the UK and on a phased return at work and intends to make full payment of rent plus £500 to arrears each month from 1 February.

- Findings in Fact

6. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 23 February 2024;
- (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay a monthly rent of £776.12 to the Applicant;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £7,641.62.
- (iv) The arrears due were not in dispute.

- Reasons for Decision

7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £776.12 per month under Clause 8 of the Agreement and had failed to do so. He had accrued arrears amounting to £7,641.62 and which fell lawfully due to be repaid to the Applicant. The arrears due were not in dispute

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

Sum of SEVEN THOUSAND SIX HUNDRED AND FORTY-ONE POUNDS AND SIXTY-TWO PENCE (£7,641.62)

With Interest thereon at the rate of eight per cent (8%) per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 30 January 2026, 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

**Fiona Watson
Legal Member/Chair**

Date: 30 January 2026

