



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/25/5363

Re: Property at 3A Mill Street, Kirkcaldy, KY1 1AB (“the Property”)

Parties:

Mr Bozhidar Belchev, 1 Lendalfoot Gardens, Hamilton, Lanarkshire, ML3 9DW (“the Applicant”)

Mr Danut Baba, Flat F, 6 Lord Gambier Wharf, Kirkcaldy, KY1 2SH (“the Respondent”)

Ms H Forbes (Legal 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 should be granted in favour of the Applicant in the sum of £10,553.61

Background

1. This is a Rule 111 application whereby the Applicant was seeking an order for payment in the sum of £7553.61 in respect of rent arrears. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 25th January 2021 at a monthly rent of £500, and a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 2nd June 2026, at a different address to that of the Property. Sheriff Officers indicated there was someone present in the Property but there was no response. A desk-top tracing exercise for the Respondent showed a new address since May 2026.
3. By email dated 15th June 2026, the Applicant representative lodged an application to amend the sum sought with an updated rent statement, and evidence of service upon the Respondent.

The Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference on 2nd July 2026. Neither party was in attendance. Mrs MacDonald represented the Applicant. The start of the CMD was delayed to allow the Respondent to attend. The Respondent did not attend.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Mrs MacDonald asked the Tribunal to grant an order in the amended sum of £10553.61. There was some discussion as to whether the Respondent resides at the Property. Mrs MacDonald said regular inspections have been carried out and the Respondent's partner has been present at the Property. As far as the Applicant is aware, the Respondent continues to be the tenant of the Property and the sum outstanding is due.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 25th January 2021 at a monthly rent of £500.
 - (ii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

8. Rent lawfully due is outstanding. The application to amend the sum sought has been properly made. The Applicant is entitled to recover rent lawfully due in the amended sum.

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £10,553.61.

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.

Legal Member/Chair

2nd July 2026
Date