



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/19/4084**

**Re: Property at 2 Gulliver Street, Edinburgh, EH16 4WA (“the Property”)**

**Parties:**

**Link Housing Association t/a Link2Let, Link House, 2C New Mart Road,  
Edinburgh, EH14 1RL (“the Applicant”)**

**Mr Pawel Gaczkowski, Ms Magdalena Podolack, Unknown, Unknown (“the  
Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**Sum of TWO THOUSAND THREE HUNDRED AND SEVENTY-SIX POUNDS AND  
TWENTY-NINE PENCE (£2,376.29) STERLING**

- Background
1. An application dated 23 December 2019 was submitted to the Tribunal under Rule 70 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 and repairs costs accrued under a short assured tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 10 August 2020 by tele-conference. The Applicant was represented by Ms Preece, Solicitor. There was no appearance by or on behalf of the Respondent. The CMD was continued to enable Ms Preece to take further instructions from the Applicant regarding lodging appropriate vouching for the repairs costs claimed, and also to ascertain if any deposit taken from the Respondent at commencement of the lease had been deducted from the rent arrears figure sought.
3. A further CMD took place on 29 September 2020 by tele-conference. The Applicant was represented by Ms Preece, Solicitor. There was no appearance by or on behalf of the Respondent. Ms Preece indicated that due to Covid and office closures, the Applicants were having difficulty accessing paper records to be able to fully vouch for the repairs costs and therefore did not wish to proceed with that part of the claim. Instead, Ms Preece moved for an order for payment, restricted to the sum of rent arrears of £2,376.29. Ms Preece confirmed that the deposit had been deducted from the arrears balance, to leave the figure of £2,376.29 being due. A statement of account was lodged showing the arrears balance outstanding.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 13 May 2016;
- (b) In terms of Clause 4 of the Agreement, the Respondent was obliged to pay a monthly rent of £534.96 to the Applicant;
- (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £2,376.29.

- Reasons for Decision

5. 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 £534.96 per month under Clause 4 of the Agreement and had failed to do so. The Respondent had accrued arrears amounting to £2,376.29 and which fell lawfully due to be repaid to the Applicant.
6. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

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

Sum of TWO THOUSAND THREE HUNDRED AND SEVENTY-SIX POUNDS AND TWENTY-NINE PENCE (£2,376.29) STERLING

### **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.**

Fiona Watson

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**Legal Member: Fiona Watson**

**29 September 2020**  
**Date**