



**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/24/1133

**Re: Property at Ground Floor Right, 14 Walker Road, Aberdeen, AB11 8BU (“the
Property”)**

Parties:

Marnox Properties Ltd, 144 Crown Street, Aberdeen, AB11 6HS (“the Applicant”)

**Mr Pawel Ciesielski, Ground Floor Right, 14 Walker Road, Aberdeen, AB11 8BU
 (“the Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

**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 THREE THOUSAND, THREE HUNDRED AND EIGHT-FIVE POUNDS
(£3,385.00) STERLING,**

together with interest at the contractual rate of five per cent (5%) per annum.

- Background
- 1. An application 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 accrued under a short assured tenancy agreement.
- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 2 August 2024 by conference call. The Applicant was represented by Mr Logan and Ms Petre of Marnox Properties. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 28 June 2024. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent’s absence.
3. Two separate applications by the Applicant seeking a repossession order against the Respondent under Rules 65 and 66 of the Rules and under case references FTS/HPC/EV/24/1132 and FTS/HPC/EV/24/1130 were heard at the same time.
4. The Applicant moved for the order for payment to be granted as sought. The parties had entered into a Short Assured Tenancy Agreement. The Respondent had failed to make payment of rent and had fallen into arrears amounting to £3,385. The arrears had commenced in December 2020 and there had been a continuous arrear to date. The Respondent had made sporadic payments to account since then and had made promises to pay double rent each month until the arrears were cleared, but this had not been adhered to.
 - Findings in Fact
5. The Tribunal made the following findings in fact:
 - (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 1 April 2016;
 - (b) In terms of Clause 5 of the Agreement, the Respondent was obliged to pay a monthly rent of £330 to the Applicant;
 - (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,385.
 - Reasons for Decision
6. 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 £330 per month under Clause 5 of the Agreement and had failed to do so. The Respondent had accrued arrears amounting to £3,385 and which fell lawfully due to be repaid to the Applicant.
 - 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 THREE THOUSAND, THREE HUNDRED AND EIGHT-FIVE POUNDS (£3,385.00) STERLING together with interest at the contractual rate of five per cent (5%) per annum.

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

Legal Member/Chair:

Date: 2 August 2024