



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/24/2611

Re: Property at 5D Bridge Street, Kirkcaldy, KY1 1TE ("the Property")

Parties:

Mrs Nicola Bujoczek, 22 Fordell Gardens, Kirkcaldy, KY2 5TL ("the Applicant")

Mr Harlej Krzystof Dembler, Ms Katarzyna Anna Trzeciak (SBA), 55 Cross Street, Dysart, KY1 2UE; unknown, unknown ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") made a Payment Order in favour of the Applicant against the Respondents in the sum of £3,300.00

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears in the sum of £3,300.00 said to be lawfully due by the Respondents to the Applicant under a tenancy between the parties.

[3] The Application is accompanied by a copy of the tenancy agreement and rent statements.

Case Management Discussion

[4] The Application called for a Case Management Discussion (“CMD”) by conference call at 10am on 28 April 2025. The Applicant was represented by Ms Barr, Letting Agent. There was no appearance by or on behalf of the Respondents. Service of the Application had been competently effected on the First Respondent, Mr Dembler, by Sheriff Officers. The Second Respondent’s whereabouts could not reasonably be ascertained and so the Tribunal had granted permission for the Application to be served on her by means of advertisement on the Tribunal’s website. The Tribunal therefore decided to proceed in the Respondents absence.

[5] The Tribunal had received a letter from Mr Dembler dated 3 April 2025 in which he made reference to requesting an extension of time to prepare. He made reference to suffering from unspecified physical and mental health issues and said that he was “unable to adequately defend myself against the false claims.” The Tribunal however noted that these representations did not confirm nor deny the existence of the rent arrears. The Tribunal considered that it ought to be a simple enough issue to state whether the existence of rent arrears was accepted or denied. The reference to ‘false claims’ led the Tribunal to suspect that the Respondent might intend on raising irrelevant matters in any event.

[6] The Tribunal could not take the view that it would be appropriate to adjourn or delay matters based on the representations set out in this letter. Accordingly, the Tribunal decided to proceed in the absence of the Respondents. Having heard from Ms Barr and having considered the Application, the Tribunal made the following findings in fact.

Findings in fact

1. *The Parties entered into a tenancy agreement dated in terms of which the Applicant let the Property to the Respondents;*
2. *The Respondents vacated the Property with rent arrears in the sum of £3,300.00 resting owed to the Applicant.*

Decision

[7] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondents in the sum of £3,300.00

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.



**Andrew McLaughlin
Legal Member/Chair**

28 April 2025

Date