



Decision with Statement of Reasons 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/24/4928

Re: Property at 2/3 Hamburg Place, Edinburgh, EH6 6PD (“the Property”)

Parties:

Mrs Sarah (Sally) Barraclough, Mr Tim Barraclough, 19 Merchiston Place, Edinburgh, EH10 4PL (“the Applicants”)

Mr Lukasz Marczewski, 147 Restalrig Avenue, Edinburgh (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal 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 Applicants:

Sum of THREE THOUSAND SEVEN HUNDRED AND FIFTY POUNDS (£3,750) STERLING

- 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 ("CMD") took place on 22 April 2025 by telephone. The Applicants were personally present and represented themselves. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 10 March 2025. 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. The Applicants moved for the order for payment to be granted in the sum of £3,750. The parties had entered into a Private Residential Tenancy Agreement. The Respondent had failed to make payment of rent between 26 April 2024 and 1 October 2024, at which date he vacated the Property. The total sum of arrears amounted to £3,750. The Respondent has made no offer to pay and made no contact since he vacated the Property.

- Findings in Fact

4. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 26 July 2020;
 - (ii) In terms of Clause 7 of the Agreement, the Respondent was initially obliged to pay a monthly rent of £850 to the Applicant, which was subsequently increased to £900 per month in terms of Clause 9 of the Agreement;
 - (iii) The Respondent has failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,750.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicants are entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £900 per month under Clause 7 of the Agreement and had failed to do so. The Respondent had accrued arrears amounting to £3,750 and which fell lawfully due to be repaid to the Applicants.

- Decision

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

Sum of THREE THOUSAND SEVEN HUNDRED AND FIFTY POUNDS
(£3,750) 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.

F Watson

Legal Member/Chair

Date: 22 April 2025