



**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/24/5592**

**Re: Property at 22 Charlotte Street, First Floor Right, Aberdeen, AB25 1LR (“the  
Property”)**

**Parties:**

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

**Mr Szymon Matysiak, 22 Charlotte Street, First Floor Right, Aberdeen, AB25  
1LR (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and James Battye (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to grant an order for payment in the sum of £3508.78.**

**Background**

1. By application dated 5 December 2024 the applicant seeks an order for payment in respect of outstanding arrears of rent in terms of section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The application was conjoined with application reference FTS/HPC/EV/24/5586 in terms of which the applicant seeks an order for eviction relying on ground 12 (rent arrears for 3 or more consecutive months).
2. The following documents were lodged with the application:
  - Copy Private Residential Tenancy agreement
  - Rent ledger spanning the tenancy period

- Correspondence between the parties.

### **Case management discussion – teleconference – 19 June 2025**

3. A case management discussion (“cmd”) took place on 19 June 2025 via teleconference. Mr Logan, Director of Marnox Property was in attendance for the applicant. The respondent was not present or represented. The respondent had been served with papers by Sheriff Officers. The Tribunal was satisfied that he had been properly notified of the cmd and proceeded in his absence in terms of rule 29.
4. Ms Logan sought an order for payment in the sum of £3508.78. The lease which had been lodged had a commencement date of 9 December 2022 and showed that the monthly rent due was £330. Rent accounts had been lodged which spanned the period from the commencement of the tenancy to May 2025. These showed the rent arrears as at the date the application was submitted amounted to £3508.78.
5. Ms Logan referred to the updated rent account which showed that the outstanding arrears figure had risen to £5158.78 as at May 2025. No payment had been received from the respondent since April 2024. Mr Logan stated that efforts had been made to engage with the respondent to discuss his arrears and arrange for benefits to be paid directly to the applicant however the respondent had failed to engage.

### **Findings in fact**

6. Parties entered into a private residential tenancy agreement with a commencement date of 9 December 2022.
7. Monthly rent due in terms of the agreement was £330.
8. Arrears as at 5 December 2024 amounted to £3508.78.
9. The respondent has not made any payments towards the rent or arrears since April 2024.

### **Reasons for the decision**

10. Rule 18 states:

*Power to determine the proceedings without a hearing*

**18.—***(1) Subject to paragraph (2), the First-tier Tribunal—*

*(a) may make a decision without a hearing if the First-tier Tribunal considers that—*

*(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and*

*(ii) to do so will not be contrary to the interests of the parties; and*

*(b) must make a decision without a hearing where the decision relates to—*

*(i) correcting; or*

*(ii) reviewing on a point of law,*

*a decision made by the First-tier Tribunal.*

*(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.*

11. The Tribunal was satisfied that having regard to the undisputed facts of the case it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.
12. The Tribunal had regard to the application, the documents lodged by the applicant and oral submissions at the cmd.
13. The Tribunal gave significant weight to the fact that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
14. The Tribunal was satisfied that as evidenced by the rent account submitted by the applicant, arrears in the amount of £3508.78 were lawfully due as at the date of the cmd.
15. The applicant had not sought to amend the amount in the application in compliance with rule 14A and accordingly the order is granted in the amount set out in the application rather than the amount of outstanding arrears due at the date of the cmd.
16. The tenancy agreement contained no provision regarding interest payable on outstanding rent arrears. The Tribunal determined that interest would not be awarded on the order for payment.

## **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.**

**Mary-Claire Kelly**

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**Legal Member/Chair**

**19 June 2025**\_\_\_\_\_

**Date**