



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/25/1227

Re: Property at 151 Victoria Road, Top Floor Right, Aberdeen, AB11 9NB (“the Property”)

Parties:

Mr Malcom Werchota, Mrs Maria Werchota, 55 Urquhart Road, Ground Floor Right, Aberdeen, AB24 5NA (“the Applicant”)

Mr Owen Simpson, 12 Eday Square, Aberdeen, AB15 6NF (“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, FOUR HUNDRED AND NINETEEN POUNDS AND THIRTY-FIVE PENCE (£3,419.35) 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 October 2025 by conference call. The Applicants were represented by Mr Winchester of Winchester Lettings. The application had been intimated on the Respondent by

way of Sheriff Officer delivery on 10 September 2025, to the Respondent's current address. The Tribunal was accordingly satisfied that the CMD could proceed in the Respondent's absence.

3. The Applicants' representative moved for the order for payment to be granted in the sum of £3,419.35. The parties had entered into a Private Residential Tenancy Agreement ("the Agreement") which commenced 21 November 2022. The Respondent vacated the Property in July 2024. At the termination of the tenancy, there were rent arrears due of £3,419.35. No proposals for repayment of the sum due had been made by the Respondent.

- 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 21 November 2022;
- (ii) In terms of Clause 8 of the Agreement, the Respondent was obliged to pay an initial monthly rent of £425 to the Applicant and which rental payment was increased to £437.75 per month from December 2023;
- (iii) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,419.35.

- Reasons for Decision

5. The Tribunal was satisfied that the Applicants were entitled to the sum as sought. The Respondent was obliged to make payment of rent under Clause 8 of the Agreement and had failed to do so. They had accrued arrears amounting to £3,419.35 and which fell lawfully due to be repaid to the Applicants. Accordingly, the Applicants were entitled to the Order for Payment in the sum of £3,419.35 as sought.

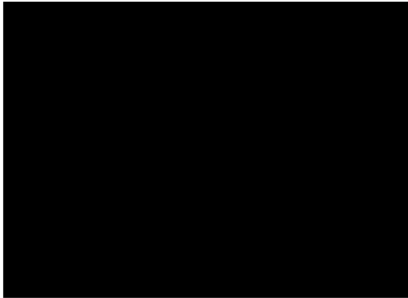
- Decision

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, FOUR HUNDRED AND NINETEEN POUNDS
AND THIRTY-FIVE PENCE (£3,419.35) 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.



Date: 22 October 2025