



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/25/2208

Re: Property at 43 Hercus Loan, Musselburgh, EH21 6AU (“the Property”)

Parties:

Ider Properties, Benchmark Lettings, 22 Great King Street, Edinburgh (“the Applicant”)

Mr Alan McCurdy-Janusz, Mr Edward McCurdy- Janusz, 7 Springbank Crescent, Glasgow, G31 4PZ (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent make payment to the Applicant in the sum of Four Thousand, One Hundred and Ninety One Pounds and Sixty Seven Pence (£4,191.67) with time to pay at the rate of One Hundred Pounds (£100) per calendar month until the full amount has been paid, with the first payment being made no later than 9 January 2026.

- **Background**

1. The Applicant applied to the Tribunal by way of application dated 21 May 2025. The application was for payment in respect of rent arrears, together with certain other costs associated with the Property and the condition of the Property at the end of the tenancy.
2. In total the sum being sought was Eight Thousand, Seven Hundred and Fifty Six Pounds (£8,756).
3. Of that sum, Three Thousand, One Hundred and Ninety One Pounds and Sixty Seven Pounds (£3,191.67) represented outstanding arrears of rent.

4. The application was accepted for a determination on 22 July 2025 and served by Sheriff Officers on 17 October 2025.
- **The Case Management Discussion**
 1. The Applicant's representative attended, together with both Respondents.
 2. There was a detailed discussion between parties. The Respondent did not dispute that there was outstanding rent to be paid.
 3. A deposit that had been paid had been applied towards the outstanding debt.
 4. The Respondent disputed some of the alleged outstanding costs.
 5. The Respondent was prepared to pay an additional One Thousand Pounds (£1,000) on top of the outstanding arrears. This made for a total of Four Thousand, One Hundred and Ninety One Pounds and Sixty Seven Pence (£4,191.67).
 6. However, the Respondent was unable to make payment beyond the sum of One Hundred Pounds (£100) per month.
 7. The Applicant's agent, Ms Tripathi, took instructions from the Applicant. The Applicant was prepared to accept this sum.
 8. Accordingly, an order has been made for the sum to be paid of Four Thousand, One Hundred and Ninety One Pounds and Sixty Seven Pence (£4,191.67), with time to pay at the rate of One Hundred Pounds (£100) per month, with a commencement date of no later than 9 January 2026.
 - **Findings in Fact**
 1. The parties entered into a tenancy agreement for the property, with a commencement date of 1 March 2023 and a rent of Eight Hundred and Twenty Five Pounds (£825).
 2. At the conclusion of the tenancy, there were rent arrears of Three Thousand, One Hundred and Ninety One Pounds and Sixty Seven Pence (£3,191.67).
 3. In addition, the Applicant had incurred costs involved in the renovation of the property.
 4. The deposit paid by the Respondents had been applied to the outstanding costs.

- **Reasons for Decision**

1. The parties arrived at an agreement regarding the outstanding sum, being in total Four Thousand, One Hundred and Ninety One Pounds and Sixty Seven Pence (£4,191.67), which consisted of outstanding rent of Three Thousand, One Hundred and Ninety One Pounds and Sixty Seven Pence (£3,191.67), together with One Thousand Pounds (£1,000) towards other costs.
2. This is to be paid by way of a time to pay at the rate of One Hundred Pounds (£100) per month, commencing no later than 9 January 2026.

- **Decision**

1. To make an Order for Payment by the Respondent to the Applicant in the sum of Four Thousand, One Hundred and Ninety One Pounds and Sixty Seven Pence (£4,191.67) with time to pay at the rate of One Hundred Pounds (£100) per month until payment is made in full, commencing no later than 9 January 2026.

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.

Mark Thorley

26th November 2025

Legal Member/Chair

Date