



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 (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/CV/25/5174

Re: Property at 5/3 ROYSTON MAINS ROAD, EDINBURGH, EH5 1JQ (“the Property”)

Parties: Mr Tom Piorecki, UL LASKOWIEC 3, 32-040, OCHOJNO, Poland (“the Applicant”)

MRS IZABELA OLCZAK, 5/3 ROYSTON MAINS ROAD, EDINBURGH, EH5 1JQ (“the Respondent”)

Tribunal Members: Serena Weir (Legal Member) and Robert Buchan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £9,350 should be made in favour of the Applicant.

Background

1. By application dated 26 November 2025, the Applicant applied to the Tribunal for an order for payment of £9,350 against the Respondent, in respect of rent arrears (the “**Application**”).
2. Supporting documentation was submitted in respect of the Application, including a copy of the tenancy agreements and a rent statement showing the arrears during the period of time which was the subject of the Application.
3. Following a request for further paperwork from the Applicant, which was received on 04 December 2025, on 23 December 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
4. A Case Management Discussion (“**CMD**”) was fixed for 19 February 2026. The Application, supporting papers and details of the date, time and location of the CMD were served on the Respondent by Sheriff Officer, by depositing, on 27 January 2026. In terms of said notification, the Respondent was told that she was required to take part in the CMD. The Respondent was also informed in

that notification that the Tribunal could make a decision today on the Application if the Tribunal had sufficient information and considered the procedure to have been fair. The Respondent was given an opportunity to submit any written representations in response to the Application by 16 February 2026. No representations were received.

Case Management Discussion

5. The CMD took place in person on 19 February 2026 at 10.30am. In attendance was the Applicant and his wife, Halina Piorecka ("**Mrs Piorecka**"). The Tribunal delayed commencement of the CMD for 5 minutes to give the Respondent an opportunity to join late but she did not do so.
6. Following introductions and introductory remarks by the Legal Member, the clerk confirmed that there had been no contact from the Respondent. The Applicant also confirmed that he had not heard anything from the Respondent.
7. The Tribunal was satisfied that the requirements of rule 17(2) of the 2017 rules regarding the giving of reasonable notice of the date and time of a CMD had been duly complied with. The Tribunal therefore proceeded with the CMD in the absence of the Respondent.
8. At the CMD, the Applicant made reference to an updated schedule of rent arrears. The Applicant explained that he had sent this to the Tribunal 10 days ago. The Tribunal explained that there was a procedure for an Applicant if they wished to amend the sum sought in their application. The Tribunal explained that this involved making an application that allowed the Respondent 14 days' notice to consider this. The Tribunal explained that this procedure had not been followed. It was explained to the Applicant that he could rely on the original figure as set out in the Application or seek to amend his application but that meant that a decision would not be made today. The Applicant confirmed that he wanted to carry on with the Application and the original figure as set out in the Application.
9. The Tribunal was satisfied that the outstanding amount for £9,350 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings in Fact

10. The Applicant and Mrs Piorecka are the owners and landlords of the Property.
11. The Applicant and Mrs Piorecka entered into a lease with the Respondent with a start date of 01 October 2024 and an end date of 30 September 2025 ("**the 2024 Lease**").
12. Whilst the 2024 Lease is headed "Short Assured Tenancy Agreement", it is in fact a Private Residential Tenancy.

13. The rent due in respect of the 2024 Lease was £850 per calendar month payable on the first day of each month.
14. The Applicant and Mrs Piorecka then entered into a lease with the Respondent with a start date of 01 October 2025 and an end date of 30 September 2026 ("**the 2025 Lease**").
15. Again, whilst the 2025 Lease is headed "Short Assured Tenancy Agreement", it is in fact a Private Residential Tenancy.
16. The rent due in respect of the 2025 Lease was £1,100 per calendar month payable on the first day of each month.
17. Whilst the Applicant had not produced a signed copy of the 2024 Lease or the 2025 Lease, these documents were agreed with the Respondent.
18. There were rent arrears between January and December 2025 with many monthly payments being missed altogether or only partial rent payments made.
19. Arrears amounted to £9,350 when this Application was accepted in December 2025.

Reasons for Decision

18. In reaching their decision, the Tribunal had regard to the terms of Section 71 of The Private Housing (Tenancies) Act 2016 which provides as follows:
 - (1) In relation to civil proceedings arising from a private residential tenancy-
 - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
 - (b) a sheriff does not have competence or jurisdiction.
 - (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
 - (a) the prosecution of a criminal offence,
 - (b) any proceedings related to such a prosecution.
19. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rent against a tenant (such as the Respondent) in respect of a Private Residential Tenancy ("**PRT**").
20. The Tribunal gave careful consideration to all of the background papers including the Application and to the oral representations at the CMD by the Applicant.
21. The Tribunal found that the Application was in order.

22. The Tribunal had no material before it to contradict the Applicant's position nor advance any argument on behalf of the Respondent or seek time to pay. The Respondent had not submitted any representations to the Tribunal and nor did she attend the CMD. The Tribunal was accordingly satisfied that, on the balance of probabilities, that the sum of £9,350 was due to the Applicant and had not been paid by the Respondent.

23. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision at the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent was given the opportunity to attend the CMD but did not participate. The Tribunal therefore considered it could accept the evidence and submissions on behalf of the Applicant, there being no contradictory evidence before it.

24. The Tribunal was satisfied that the Respondent had a contractual obligation to pay rent of (i) £850 per month between January and September 2025; and (ii) £1,100 per month between October and December 2025. The Respondent had failed to comply with her obligation in this regard, resulting in arrears of £9,350 being due. The Respondent has not sought to dispute this.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant for the sum of £9,350.

If the Respondent, Mrs Izabela Olczak is unclear regarding any of the terms of this Decision and accompanying Order for Payment, she should consider seeking independent housing law and money matters advice from her local authority's welfare rights service or her local Citizens Advice Bureau.

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.

Serena Weir

19 February 2026

Legal Member/Chair

Date