



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/25/4204

Re: Property at 42 Torwood Avenue, Grangemouth, FK3 0DN (“the Property”)

Parties:

Mr Sebastian Zwierzchowski, Mrs Aneta Zwierzchowska, 30 Hillside Grove, Bo'ness, EH51 9RN (“the Applicants”) per their representatives Northwood Central, 9-11 Bank Street, Falkirk FK1 1NB (“the Applicants’ Representatives”)

Mr Stewart Burnett, 42 Torwood Avenue, Grangemouth, FK3 0DN (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Order in the sum of NINE THOUSAND FIVE HUNDRED AND SEVENTY FIVE POUNDS AND FIFTY TWO POUNDS (£9,575.52) Sterling.

Background

1. By application received on 1 October 2025 (“the Application”), the Applicants’ Representatives applied to the Tribunal for an Order for payment of rent due and owing by the Respondent to the Applicants in respect of a tenancy of the

Property. The Application intimated that costs in terms of the tenancy agreement were sought.

2. The Application comprised the following:
 - i) copy short assured tenancy agreement between the Parties and an entry date of 7 September 2012;
 - ii) copy rent statement showing arrears of £5,980.00 at the date of the Application and no rent paid since 7 November 2024;
 - iii) copy correspondence from the Applicants' Representatives to the Respondent regarding matters relating to the tenancy;
 - iv) copy pre-action requirement letters sent to the Respondent.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion ("CMD") was fixed for 13 April 2026 at 10.00 by telephone conference and intimated to the Parties, and, in particular, to the Respondent by Sheriff Officer on 24 February 2026.
4. Prior to the CMD, the Applicant's Representatives lodged an updated rent statement showing that the rent due and owing had increased to £9,460.00 as at 7 March 2026 with a further instalment due on 7 April 2026 which would bring the rent due to £10,040.00. The statement also noted penalty costs of £1,850.00 and other expenses of £805.00 claimed to be due in terms of the tenancy agreement.

CMD

5. The CMD took place on 13 April 2026 at 10.00 by telephone. The Applicants were not present and were represented by Mrs. Johnstone of the Applicants' Representatives. The Respondent was not present and was not represented. He did not submit written representations. The Tribunal was satisfied that the Respondent had been made aware of the CMD and that he ought to attend and so proceeded in his absence.
6. The Application was heard alongside application FTS/HPC/EV/25/4202 between the same Parties seeking an Order for eviction.

7. Mrs. Johnstone confirmed that an Order for payment is sought.
8. With regard to the amended sum sought, the Tribunal advised that it was satisfied that the increased sum of £9,460.00 had been properly intimated but that it was not so satisfied in respect of the sum of £10,040.00. The Tribunal advised that a further application could be made in respect of further rent due and unpaid. With regard to expenses, the Tribunal advised that expenses were not usually granted by the Tribunal unless there are exceptional circumstances and that the Tribunal was not satisfied that sums claimed in respect of the contractual obligations of the tenancy had been properly intimated or justified, with the exception of the Sheriff Officer fee for serving Notices as required by the Housing (Scotland) Act 1988.

Findings in Fact

9. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a short assured tenancy of the Property between the Parties at a current monthly rent of £580.00;
 - ii) The Respondent has not paid rent since November 2024;
 - iii) Rent amounting to £9,460.00 is due and owing by the Respondent to the Applicants.

Rule 17 (4) of the Rules

10. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussionincluding making a decision*". The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.

Decision and Reasons for Decision

11. The Tribunal had regard to all the information before it and to its Findings in Fact.

12. The Tribunal had regard to the facts that the Respondent owes the sum of £9,460 and that the Application is not opposed. The Tribunal accepted that the Applicants required to serve statutory Notices by Sheriff Officer and that they are entitled to recover the cost of £115.52 incurred. Accordingly, the Tribunal granted an Order for £9, 575.52.

13. This decision is unanimous.

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.

Karen Moore

13 April 2026

Legal Member/Chair

Date