



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 “The Act”

Chamber Ref: FTS/HPC/CV/24/2603

Re: Property at Flat 5, 47 Ardmillan Terrace, Edinburgh, EH11 2JL (“the Property”)

Parties:

Mr Alan Ferguson, 31 Thorburn Road, Colinton, EH13 0BH (“the Applicant”)

Mr Mateusz Szczygiel, Miss Emilka Ladowska, 35/3 Stenhouse Avenue West, Edinburgh, EH11 3EY (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in the sum of £6,366.15.

Outcome

[2] The Application called for a Hearing in George House, George Street, Edinburgh at 10 am on 6 May 2026. The Applicant was present together with his daughter, Leanne Kelly. The Second Respondent was present. There was also a Polish interpreter present who translated everything that was said from English into Polish and vice versa for the benefit of the Second Respondent. It was explained that the First Respondent knew about today but was not in attendance. The Tribunal confirmed with the Second Respondent that she could hear what was being said and understand the interpreter. There had been previous discussions about the Second Respondent’s hearing difficulties

but the Second Respondent confirmed that she had no issue participating in the Hearing.

[3] The Tribunal discussed that the Respondents had previously accepted that there were sums lawfully due as rent arrears and restoration costs but then failed to comply with the Direction setting out what aspects, if any, of the claim were actually disputed.

[4] The Second Respondent ultimately accepted that she had no legitimate defence to any part of the Application and instead her concerns were focussed on time to pay. The Tribunal commented that this left the outcome of today's Hearing somewhat inevitable in that the Tribunal should simply then make a Payment Order in the sum sought, less a payment of £100.00 made by the Respondent's previously. Both parties accepted this as the only legitimate outcome.

[5] The Tribunal therefore made the following findings in fact.

Findings in fact

- 1. The Parties entered into a tenancy agreement in terms of which the Applicant let the Property to the Respondents.*
- 2. The tenants vacated the Property with rent arrears in the sum of £4,648.32*
- 3. The Applicant also required to spend the sum of £1,817.83 to make good damage caused to the Property by the Respondents. The Respondents are contractually liable to reimburse the Applicant for these costs under the terms of the tenancy.*
- 4. The Respondents have made a payment of £100.00 towards the arrears.*
- 5. The sum of £6,366.15 is resting owed by the Respondents to the Applicant*

Decision

[6] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £6,366.15.

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.

Andrew McLaughlin

Legal Member/Chair

6 May 2026

Date