



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/4702

Re: Property at 127/2 St John's Road, Edinburgh, EH12 7SB ("the Property")

Parties:

Mr Jim Bruce, 80 Cash Feus, Strathmiglo, KY14 7QP ("the Applicant")

Miss Paulina Toczek, 127/2 St John's Road, Edinburgh, EH12 7SB ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Mary Lyden (Ordinary Member)

Decision

At the Case Management Discussion ("CMD") which took place by telephone conference on 7 July 2026 the Applicant was in attendance and was represented by his son-in-law, Mr Greig Kelly. The Respondent was not in attendance but was represented by Mr Andrew Wilson of CHAI (Community Help and Advice Initiative).

An interpreter was also in attendance.

The CMD proceeded after a Hearing in the related case bearing reference FTS/HPC/EV/25/2843.

Prior to the CMD the Tribunal received emails from Mr Kelly dated 25 May 2026 (with submissions and a Rent Statement attached) and 24 June 2026 (with submissions and productions attached).

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that –

Background

The Tribunal noted the following background:-

- i. The Applicant and Fiona Bruce are the heritable proprietors of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 1 December 2020.

- iii. The rent payable in terms of the PRT was initially agreed to be £875 per calendar month and was subsequently increased to £925 per calendar month by Rent Increase Notice effective from 1 August 2024.
- iv. The Respondent remains in occupation of the Property.

The above background was not in dispute.

This application is dated 31 October 2025 and the Applicant seeks a payment order in a sum of £2,775.

The CMD

At the CMD the parties' representatives made the following oral submissions –

On behalf of the Applicant

- i. The rent arrears due as at the CMD are £7,304.97.
- ii. The rent is now paid each month in full by Universal Credit with an additional sum of £40.01 towards the arrears.

On behalf of the Respondent

- i. The rent arrears are accepted to be due.
- ii. The monthly rent is covered in full by housing costs payable by Universal Credit.
- iii. The additional payment of £40.01 towards the arrears represents 10% of the Respondent's personal allowance.
- iv. The Respondent cannot afford to pay anything more.

Reasons for Decision

The rent arrears are admitted to be due.

The application has not been amended in accordance with Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 and therefore the maximum amount the Tribunal can order the Respondent to pay is £2,775 per the original application.

The application does not seek payment of interest.

Decision

Of consent, the Tribunal orders the Respondent to pay to the Applicant £2,775.

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.

Legal Member/Chair

6 July 2026
Date