

Housing and Property Chamber
First-tier Tribunal for Scotland



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/26/1891

Re: Property at 39 Seaview Crescent, Aberdeen, AB23 8RH (“the Property”)

Parties:

Mr Jagan Gogineni, 94 Lockside Marina, Chelmsford, CM2 6HF (“the Applicant”)

Ms Zita Simon Papp, Janos Szel, 39 Seaview Crescent, Aberdeen, AB23 8RH (“the Respondents”)

Tribunal Members:

Hilary Macandrew (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order be granted against the Respondents for payment to the Applicant of the sum of £15,000 (Fifteen Thousand Pounds)

1) Background

- 1.1 By Application dated 27th April 2026 the Applicant sought an order under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016.
- 1.2 The application to the Tribunal was made by Form F and was accepted for determination by the Tribunal on 20th May 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondents by sheriff officers on 24th August 2026.
- 1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private Residential Tenancy agreement
- Rent Statement

- 1.4 A Case Management Discussion was set to take place on 13th October 2026. Intimation was given to the Respondents by Sheriff Officers on 24th August 2026.

2) Case Management Discussion (CMD)

- 2.1 The CMD took place on 13 October 2026. The case was heard at the same time as case FTS/HPC/EV/26/1890 between the same parties. The Applicant did not take part. The Applicant was represented by his solicitor, Ms Siddiq. The Respondents both took part. They were supported by Ms Papp's niece, Ms Claudia Symon, who acted as translator.
- 2.2 Ms Siddiq told the Tribunal that she was seeking a payment order in the sum of Fifteen Thousand Pounds (£15,000). She stated that the sum sought in the application was Ten Thousand Five Hundred Pounds (£10,500). The rent had increased since the application was made due to non-payment of rent and she was seeking that the sum be amended to £15,000. She also sought interest at the rate of 4% and asked the Tribunal to exercise their discretion in granting interest.
- 2.3 Ms Symon told the Tribunal on behalf of the Respondents that the Respondents did not dispute that the rent was £10,500 at the time the proceedings were raised and that the current rent arrears were £15,000. They did not object to amendment of the sum sought.
- 2.4 Ms Symon asked the Tribunal for the Respondents to be granted time to pay the arrears of £15,000. The Respondents are currently in receipt of £430 per month by way of benefits. They are being assisted financially in their living expenses by family in Hungary. They are making no payments towards rent. The Respondents could give no certainty or assurances as to when and how the arrears and ongoing rent will be paid.
- 2.5 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

- 3.1 The Tenancy commenced on 1st September 2019. The Private Rental Tenancy Agreement was signed on 5th and 9th March 2026.
- 3.2 The rent was £750 per month.

3.3 The Respondents have been continually in arrears since March 2025. They are not maintaining the current monthly rent.

3.4 The Respondents are in arrears of £15,000.

4) Reasons and Decision

4.1 Rent lawfully due to the Applicant amounting to £15,000 has not been paid by the Respondent.

4.2 The Tribunal were not persuaded to exercise their discretion and award interest.

4.3 The Applicant is entitled to a Payment Order of £15,000

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.

Hilary MacAndrew

**H Macandrew
Legal Member/Chair**

**13th October 2026
Date**