



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/23/2146**

**Re: Property at Flat 5, 24 Halmyre Street, Leith, Edinburgh, EH6 8QD (“the Property”)**

**Parties:**

**Places for People Homes Limited, having a place of business at 1 Hay Avenue, Edinburgh, EH16 4RW (“the Applicant”)**

**Mr Marek Stanislaw Paszkowski and Mr Roman Paliszewski, both Flat 5, 24 Halmyre Street, Leith, Edinburgh, EH6 8QD residing (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal Member)  
Gordon Laurie (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 should be made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £5,122.35. The Applicant had lodged with the Tribunal Form F dated 28/06/2023. The documents produced were a Tenancy Agreement dated 23 January 2020; a notice to leave served on 07/03/2023, a Notice in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and a schedule of unpaid rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place by telephone conference at 2.00pm on 12 September 2023. The Applicant was represented by Mr K Caldwell, solicitor, of Patten & Prentice LLP. The second respondent was represented by Mr A Wilson of CHAI. The first respondent was neither present nor represented. The case file discloses that

the first respondent has had timeous intimation of the date, time, and method of joining the hearing. No application is made for an adjournment. We can justly determine this case in absence of the first respondent.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 01 June 2021.
2. The initial rent in terms of the Tenancy Agreement was £760. The rental increased to £813.33 per month. The respondents are jointly and severally liable for the rental.
3. The full monthly rental has not been paid since July 2022. The second respondent paid the full rental until July 2022 in the hope that the first respondent would reimburse a one half share. Since August 2022 the second respondent has maintained payments of £400 per month, but the first respondent has not paid anything towards the rental. At the date the application was received, there were arrears of rental totalling £5,122.35. At today's date there are arrears of rental totalling £6,760.09.
4. The applicant intimated an application to amend the sum claimed by increasing the sum applied for from £5,122.35 to £6,760.09 in terms of rules 13 & 14A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. That application is unopposed.
5. The application was amended so that the sum applied for is £6,760.09.
6. Notice of the date of this hearing was served on both Respondents by sheriff officers on 11 August 2023.

### **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £6,760.09. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £813.33 per month. The first respondent caused rent arrears to accumulate by refusing to contribute his share of the rental throughout the tenancy, leaving the second respondent contributing only approximately one half of the monthly rental since August 2022.

### **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for payment.

## **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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

**[Redacted Signature]**

**Legal Member**

**Date 12 September 2023**