



**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/26/1447

Re: Property at 5 Malcolm Road, Glenrothes, Fife, KY7 4JU (“the Property”)

Parties:

**Mrs Katarzyna Maria Wawrzonek, 216 Caskieberran Road, Glenrothes, Fife, KY6
2NX (“the Applicant”)**

**Mr Radoslaw Galewski, 5 Malcolm Road, Glenrothes, Fife, KY7 4JU (“the
Respondent”)**

Tribunal Members:

Julie McKinlay (Legal Member) and Greig Adams (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) made a Payment Order in favour of the Applicant against the
Respondent in the sum of £1670.00.**

Background

1. The Applicant seeks a Payment order in the sum of £3750.00 in respect of rent arrears said to have been accrued by the Respondent under a private residential tenancy agreement between the parties.
2. The application dated 31 March 2026 is accompanied by a copy of the tenancy agreement, a schedule of rent arrears and information in respect of two increases in the rent since the start of the tenancy.
3. On 29 April 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.

4. The application was heard along with application under reference FTS/HPC/EV/1444.
5. A Case Management Discussion (CMD) was set to take place on 10 August 2026. Intimation of the application with accompanying papers and intimation of the CMD was made to the Respondent by sheriff officers on 10 July 2026. The Tribunal noted that service had been made at Flat 2, 354 West Granton Road, Edinburgh EH5 1FE which was described by sheriff officers as the new address of the Respondent. The Applicant was represented by Ms McGowan at the CMD. The Applicant advised that no intimation had been given that the respondent had vacated the property, no keys have been returned, and no intimation has been made to the council in respect of liability for council tax. The Tribunal considered that reasonable notice of the hearing had been given in terms of Rule 24 and decided to proceed in the absence of the Respondent.

Case Management Discussion

6. The CMD took place on 10 August 2026 via telephone case conference.
7. The Tribunal heard from the Applicant's representative. The Applicant's representative stated that the first increase in the rent from £520 to £600 took effect from 1 December 2023. The proper notice in respect of that increase in terms of the 2016 Act was not served on the Respondent. Rather an email was sent to him. The Respondent did make payment of the rent in the increased sum. A notice to increase the rent from £600 to £650 was served on the Respondent on 29 October 2025. The Applicant had sought to increase the rent from May 2025 but accepted that no proper form had been served at that time. A proper notice was served, and the rent increase was effective from 1 February 2026.
8. The Applicant's representative advised the Tribunal that at the time of the application the Respondent was in arrears in the sum of £3750. At the date of the CMD the Applicant's representative stated that the arrears were £6350. This figure was contained in a rent statement sent to the Tribunal on 27 July 2026. As no application was made to increase the sum claimed and any such application would in any event have had to be intimated on the Respondent, the claim before the Tribunal is in the sum of £3750.

Findings in Fact

9. The Applicant is the heritable proprietor of the Property.

10. The Applicant is the landlord and the Respondent the tenant in terms of the Private Residential Tenancy entered into on 1 January 2023.
11. The rent in terms of the lease is £520 payable on the first of every month.
12. The Applicant purported to increase the rent from £520 to £600 with effect from 1 December 2023 but failed to serve a valid rent increase notice as required in terms of the 2016 Act.
13. The Applicant served a valid rent increase notice on 29 October 2025 which increased the rent from £600 to £650 with effect from 1 February 2026.
14. The Respondent failed to make payment of rent from 1 November 2025 until 1 August 2026.

Reasons for the Decision

15. The rent payable in terms of the tenancy agreement was initially £520 per calendar month payable on the 1st day of each month.
16. By virtue of section 18 of the 2016 Act the rent payable under a private residential tenancy may be increased only in accordance with the provisions in the 2016 Act. In terms of section 22 of the 2016 Act the landlord under a private residential tenancy may increase the rent by giving the tenant a notice in accordance with the section. Section 22 (2) specifies the matters which must be contained in that notice. That includes requirements prescribed by the Scottish Ministers. In terms of the Private Residential Tenancies (Prescribed Notice and Forms) (Scotland) Regulations 2017, schedule 2 prescribes the form of notice and the information to be provided to the tenant.
17. Given the requirement that the rent may only be increased in accordance with statute, it is the view of the Tribunal that the purported rent increase from £520 to £600 is invalid, such an increase not being imposed in accordance with the 2016 Act.
18. Between 1 December 2023 and 1 January 2026, in the view of the Tribunal the Applicant was not entitled to insist upon payment of the rent in the sum of £600. As such between 1 December 2023 and 1 October 2025 the Respondent overpaid rent to the extent of £80 per month. That is a total of £1840.
19. The rent increase notice of 29 October 2025 was effective in increasing the rent to £650 per month. As such the Respondent was liable in that amount from 1 February 2026.

20. The Tribunal finds that the Respondent has not paid rent from 1 November 2025 until 1 April 2026. The total sum due during that period is not £3750 as claimed by the Applicant but £3510 taking into account that the rent due on 1 November, 1 December and 1 January 2026 was £520 per month and not £600 per month. From that amount the Tribunal has deducted the sum of £1840 being the amount of rent overpaid by the Respondent.

21. As such the Respondent was in arrears as at 1 April 2026 in the sum of £1670.

Decision

22. Having made the above findings in fact the Tribunal granted the application and made a Payment order in favour of the applicants against the respondent in the sum of £1670.00.

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.

Julie McKinlay

10th August 2026

Legal Member/Chair

Date