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) Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act")

Chamber Ref: FTS/HPC/CV/26/0249

Re: Property at 14 Walker Road, First Floor Left, Aberdeen, AB11 8BU ("the Property")

Parties:

Marnox Properties Ltd, 144 Crown Street, Aberdeen, AB11 6HS ("the Applicant")

Ms Kamila Wojcik, 14 Walker Road, First Floor Left, Aberdeen, AB11 8BU ("the Respondent")

Tribunal Members:

Elaine Paton (Legal Member) and Elizabeth Williams (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 by the Respondent of the sum of FOUR THOUSAND AND SEVEN HUNDRED AND TWENTY-FIVE POUNDS (£4,725) be granted in favour of the Applicant**.**

Background

1. An application was received from the Applicant on 19 January 2026 seeking a payment order in terms of rule 111 (Application for civil proceedings in relation to a private residential tenancy) of Schedule 1 to the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 ("the 2017 rules"). A tenancy agreement, rent arrears statement, and copy pre-action correspondence issued to the Respondent were lodged with the application.

2. A copy of the application was served on the Respondent by Sheriff Officer on 20 July 2026, together with the related eviction application (EV/26/0248) under rule 109 of the 2017 rules, which included evidence of compliance with the rent arrears pre-action protocol. The parties were notified that a case management

discussion ("CMD") would take place by telephone conference call on 20 August 2026 at 10am and that they were required to participate.

3. Prior to the CMD, on 23 July 2026 and 10 August 2026 respectively, the Applicant submitted updated rent arrears statements which, on each occasion, were crossed over to the Respondent by the Housing and Property Chamber ("HPC") administration, with a view to requesting the sum sought in the application to be increased and by way of updating matters in the related eviction application (EV/26/0248). There were no written representations received by or on behalf of the Respondent prior to the CMD.

4. The CMD took place on 20 August 2026. The Applicant company's director Mr John Logan was present, accompanied by Mrs Elizabeth Petrie an employee of the Applicant involved in the management of the company's rental tenancies. The Respondent did not participate. The application for an eviction order under Chamber reference EV/26/0248 was also discussed.

Summary of Discussion at CMD

5. The Applicant's director Mr Logan told the Tribunal that the Respondent is still believed to be living at the Property.

6. The Tribunal noted the Private Residential Tenancy agreement lodged with the application states the tenancy started on 01 April 2025, with a rent of £490 per calendar month due in advance on the 1st day of each calendar month. A rent arrears statement produced demonstrated there were three consecutive months arrears of rent when a Notice to Leave was served upon the Respondent on 05 December 2025 in the related eviction application. Mr Logan stated the Applicant had made ongoing efforts to engage the Respondent via emails and telephone calls including the pre-action correspondence sent to the Respondent providing the requisite information a landlord must send to their tenant including copy tenancy details, level of arrears of rent, and details of agencies such as advice organisations Universal Credit, Benefits and local authority Housing services for the tenant to seek advice and assistance from. Mr Logan told the Tribunal the last payment the Respondent had made to their rent account was 06 January 2026 and the arrears remaining unpaid at 01 August 2026 were £4,725, both points evidenced in the submissions lodged on 23 July 2026 and 10 August 2026 notwithstanding the current balance on the rent account was now £5,145 including the sum of rent that became due on 01 August 2026. Mr Logan stated the Applicant wanted to have the principal sum of arrears due by the Respondent in the application increased to the updated figure due. The Tribunal noted the requisite notice regarding an application for an increase in the sum sought had been provided to the Respondent on 23 July 2026 regarding arrears in the sum £4,725. Mr Logan stated the Applicant was requesting the Tribunal to grant a payment order regarding the unpaid rent arrears and also an eviction order in the related application (EV/26/0248). In clarification to the Tribunal, Mr Logan stated that the Applicant would not be insisting upon its claim regarding interest to be paid in the event that the Tribunal determined to grant a payment order.

7. Mr Logan told the Tribunal the Applicant has not been receiving income from the Property; they are a business with the associated costs associated to their landlord's duties notwithstanding they are aware there are many other people waiting to move into a one-bedroom property. Mr Logan stated the present condition of the Property is unknown and it is likely some repairs may need to be carried out and potentially some fixtures and fitting items may need to be replaced. Mr Logan explained that although the Applicant owns a portfolio of sixty rental properties including the Property, the tenancy arrangement cannot continue to be sustained.

8. In relation to the Respondent's circumstances, and in response to the Tribunal, Mr Logan stated the Respondent and her partner are believed to be aged in their early 30 years and not believed to have any children residing with them. Both had indicated to their landlord that they were in employment albeit Mr Logan was uncertain if that is the current position. Further, in response to the Tribunal, Mr Logan stated it was believed the Respondent was not claiming any benefits as the Applicant had written to Universal Credit ("UC") to request that any housing benefit element payable for the Property be paid directly to the Applicant however the responses from UC were that they could not provide information, one reason being that no benefit was in payment.

Findings in Fact

9. The Applicant is stated to be the owner of the Property, and is the registered landlord.

10. The Respondent is the tenant of the Property in terms of a private residential tenancy agreement which commenced on 01 April 2025.

11. The initial calendar monthly rental was £490. The Applicant reduced the rent to £420 per calendar month, effective February 2026, therefore the Respondent is due to pay the ongoing rent of £420 per calendar month.

12. The Respondent has been in arrears of rent since July 2025, with any payments made to the account received sporadically after periods of non-payment. The last payment received by the Applicant to the Respondent's rent account was £340 in January 2026.

13. The Respondent currently owes £5,145 in unpaid rent, including unpaid rent that became due on 01 August 2026.

14. The Applicant made efforts to engage the Respondent and issued correspondence to the Respondent in compliance with the rent arrears pre-action protocol.

15. The Respondent has failed to engage meaningfully with the Applicant or follow through on a payment arrangement regarding the ongoing (reduced) rent and arrears. The Respondent has failed to meet their ongoing rent payment obligation.

16. The Respondent resided in the Property when the tenancy commenced and is believed still to be residing in the Property to date.

Reasons for decision

17. The Tribunal accepted the unchallenged evidence of the Applicant regarding the sum of arrears of rent remaining due and unpaid by the Respondent.

18. The Tribunal also exercised the power within rule 17 of the 2017 rules and determined that a decision should be made at the CMD without a hearing.

19. The Tribunal was satisfied from the evidence before it that the Respondent received intimation that she currently owes £5,145 in unpaid rent including the rent that became due on 01 August 2026. The Tribunal was also satisfied that the Respondent received timeous advance notice on 23 July 2026 that the Applicant intended to request that the sum sought in the application be increased to £4,725. It therefore grants an order for payment by the Respondent to the Applicant for that amount.

Decision

The Tribunal grants an order for payment by the Respondent to the Applicant of the sum of £4,725.

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.

Elaine Paton

Elaine Paton, Legal Member **Date: 20 August 2026**