

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/18/0020

Re: Property at Flat 3/2, 20 Park Avenue, Dundee, DD4 6LU ("the Property")

Parties:

Northern Housing Company Limited, 1 Explorer Road, Dundee, DD2 1EG ("the Applicant")

Miss Natalia Gawlik, Mr Karol Ginter, Flat 3/2, 20 Park Avenue, Dundee, DD4 6LU ("the Respondent")

Tribunal Members:

Andrew Upton (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should proceed to a Hearing on the Application at large.

The Tribunal directed the parties to:-

- 1. within 7 days, contact the Tribunal to confirm their availability for the Hearing;**
- 2. within 14 days, lodge at the Tribunal a list of all witnesses which they wish to call to give evidence at the Hearing; and**
- 3. within 14 days, lodge at the Tribunal all documents which they wish to rely upon at the Hearing.**

A Upton

Statement of Reasons:

1. This application called before me for a Case Management Discussion on 7 March 2018 at 10.00am, together with the grouped application number FTS/HPC/EV/18/0018. The Applicants were represented by Miss Swanson, solicitor. The Respondents were personally present.
2. Miss Swanson confirmed that the Applicants sought an order for payment of rent arrears.
3. I noted from the Application and papers submitted with the Application the following issues:-
 - a. The Application provides that arrears totalling £2,051.78 were due (which appeared to accord with the Rent Account Statement), but the order sought was for payment of £1,841.94.
4. Miss Swanson advised that the Applicants held a Rent Deposit equal to one month's rent, and that sum had been deducted from the total due. She further explained that the total arrears due, as at the date of the Case Management Discussion, was £1,840.76, although she was unable to clarify whether that included the deduction of the deposit.
5. Whilst I was exploring this issue with the parties in accordance with the requirements of Rule 17(3), the Respondents asserted that they did not understand what was happening due to English not being their first language. They asked if an interpreter could be instructed. Miss Swanson opposed that motion on the basis that the Respondents had known about the Case Management Discussion for some time but had taken no steps to instruct an interpreter, or made any efforts to make the Tribunal aware of the need for one.
6. In dealing with the proceedings, I am required by Rule 2 to have regard to the overriding objective, which is to deal with proceedings justly. That includes dealing with proceedings proportionately and avoiding delay, and also to ensure, so far as practicable, that the parties are on an equal footing procedurally.
7. I was not persuaded that it would be just to refuse the Respondents' motion. This was the first calling of the case. In addition, the grouped application concerned eviction of the Respondents from their home of the past four years or so. However, I was not minded to allow this case to drift when, as Miss Swanson quite rightly said, the Respondents had taken no steps to avail themselves of the assistance available to them.
8. Accordingly, I determined to fix a Hearing on this application at large, at which Hearing an interpreter of the Polish language will be present.

A Upton

9. I also directed parties to liaise with the Tribunal within the next seven days with regards to their availability for a hearing. Finally, I directed parties to lodge at the Tribunal within the next 14 days a list of witnesses that they wish to lead, together with all documents upon which they wish to rely.

A Upton

Legal Member/Chair

7 MARCH 2018

Date