

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/18/0578**

**Re: Property at 9 Chalk Hill Court, Dundee, DD4 0LU (“the Property”)**

**Parties:**

**Mrs Aileen Taylor, 3 Rennell Road, DUNDEE, DD4 7DU (“the Applicant”)**

**Mr Oktawisz Burblis, Mrs Maria Burblis, 9 Chalk Hill Court, Dundee, DD4 0LU  
 (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

**Case Management Discussion**

- On 1<sup>st</sup> June 2018 the Tribunal conducted a Case Management Decision in relation to the Application of Mrs Aileen Taylor against Mr Oktawisz Burblis in relation to payment of outstanding rent amounting to £2195.79. The Application had been made on ground 8 of Schedule 5 to the Housing (Scotland) Act 1988.
- The Application called by way of a Case Management Discussion in Dundee Careers Centre on the above date. At the time the Applicant was present but not represented. She had her son with her for moral support. The Respondent was not present or represented at the Discussion. In light of the foregoing the Tribunal required to consider the question of Service of the Application in terms of section 6 of The First-Tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017 and noted that lawful service had effected on the Respondent by Sheriff Officers

on 4<sup>th</sup> May 2018. The Tribunal noted also that the Respondent had not engaged with the Tribunal and that no explanation had been offered for non-attendance and accordingly determined therefore that the Discussion could proceed in his absence. The Tribunal thereafter heard from Mrs Taylor to the effect that the Respondent had refused to engage with the Applicant to date. The last discussion she had with him was in November or December 2017. She had spoken to an agent on his behalf whom she believed to be either Shelter Scotland or the Lilly Walker Centre in March 2018. Mrs Taylor confirmed that no payments had been made at all since the Housing Benefit had stopped in March 2018. This was only partial Housing Benefit of £97.28. Mrs Taylor confirmed that she had tried to telephone him the week prior to the Tribunal but his phone had rung but not been answered. The Respondent's mother had been in the property as one point but Mrs Taylor believed she had returned to Poland around August 2018. This was based on information she had received from the Respondent. The Applicant sought an Order for payment in terms of section 16 of the Housing (Scotland) Act 2014. The Applicant also sought that the Tribunal exercise its discretion in terms of section 17(4) of the aforementioned Regulations to dispense with the need for a Hearing and to issue an Order as sought.

- The Tribunal found the following matters to be provide as matters of fact:
  - The parties entered into a Short Assured Tenancy Agreement on 26<sup>th</sup> January 2017 for a period of 6 months. It continued thereafter on a month by month basis by tacit relocation.
  - Rent payable by in terms of the tenancy is £550 per month due on 26<sup>th</sup> day of each month.
  - The Respondent failed to pay any rent for the months March 2018, April 2018 and May 2018. Prior to that Applicant was paid limited rent by means of Housing Benefit. As of 26<sup>th</sup> May 2018 the arrears due £4201.23. The Application had detailed the amount due as £2195.79 which was the rent paid due until 26<sup>th</sup> January 2018.
  - Documentation was relating to the Tribunal including the Application form was served on the Respondent on 4<sup>th</sup> May 2018 by Sheriff Officers.

### **Reasons for Decision**

- Having heard submissions from Mrs Taylor at the Case Management Discussion the Tribunal was satisfied that the factual position as set out in the Application had been established. The Tribunal was also satisfied that given the lack of engagement to date by the Respondent that he was unlikely to do so again in the future. Given the factual positon as set out in Ground 8 of Schedule 5 to the Housing (Scotland) Act 1988 had been established the Tribunal was satisfied that an Order payment could properly be made
- The First-Tier Tribunal for Scotland (Housing and Property Chamber) granted an Order against the Respondent for payment of the sum of £2195.79 under section 16 of the Housing (Scotland) Act 2014.

## 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.

G Miller

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Legal Member/Chair

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Date 1 June 18