



**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/19/0825

Re: Property at 25/8 Dalmeny Street, Edinburgh, EH6 8PG (“the Property”)

Parties:

**Mr Duncan Thomson, Mrs Julia Thomson, C/O D J Alexander Lettings Ltd, 1
Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)**

**Miss Malgorzata Kempaska, Mr Tomasz Zakrzewski, 25/8 Dalmeny Street,
Edinburgh, EH6 8PG (“the Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be granted without a hearing
and made an Order for Payment by the Respondent to the Applicant of the
sum of £4,000.00.**

Background

By application, received by the Tribunal on 13 March 2019, the Applicant sought an Order for payment in the sum of £2,275 in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant.

The application was accompanied by copies of a Short Assured Tenancy Agreement between the Parties, commencing on 13 February 2014 at a monthly rent of £500, a Notice of Intention to Increase the rent to £575 per month from 13 February 2019, dated 15 November 2018 and a Rent Statement showing the amount outstanding at 12 March 2019 as £2,275.

By letter dated 1 May 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 24 May 2019. The Respondent did not make any written representations to the Tribunal.

On 4 June 2019, the Applicant's representatives, D J Alexander Lettings Limited provided the Tribunal with a Rent statement showing arrears as at 4 June of £4,000 and asked the Tribunal to amend the application to increase the amount sought to £4,000.

Case Management Discussion

A Case management Discussion was held at George House, 126 George Street, Edinburgh on the morning of 12 June 2019. The Applicant was represented by Mr David Gibb of D J Alexander Lettings Limited. The Respondent was not present or represented.

The Applicant's representative confirmed that no payments towards the arrears of rent had been received since the date of the application and asked the Tribunal to grant the application, amended to increase the sum sought to £4,000, without a hearing.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision. The Tribunal was of the view that it had before it all the information and documentation it required and that it would determine the application without a hearing.

The Tribunal was satisfied that the sum sought was lawfully due by the Respondent to the Applicant and that it would grant the Order for Payment.

Decision

The Tribunal agreed to amend the application as requested by the Applicant's representative, determined that the application should be granted without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,275.00.

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.

George Clark

Legal Member/Chair

12 June 2019

Date