

**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/19/1845**

**Re: Property at 15E Balmedie Drive, Dundee, DD4 8PG (“the Property”)**

**Parties:**

**Mr Wojciech Kalemba, Ms Mirela Kawalec, 15 Arthur Street, Blairgowrie, PH10  
6PB (“the Applicant”)**

**Ms Jacqueline Morgan, 15E Balmedie Drive, Dundee, DD4 8PG (“the  
Respondent”)**

**Tribunal Member:**

**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 £3,000.**

**Background**

By application, received by the Tribunal on 13 June 2019, the Applicant sought an Order for Payment in respect of arrears of rent due by the Respondent

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties commencing on 1 March 2018 at a rent of £450 per month, and a Rent Statement showing rent arrears of rent of £2,100 as at 3 June 2019.

On 10 July 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 28 July 2019. The Respondent did not make any written representations to the Tribunal. On 25 July 2019, the Applicant’s representative provided to the Tribunal an updated Rent Statement showing arrears of £3,000 as at 1 August 2019.

### **Case Management Discussion**

A Case Management Discussion was held at Caledonian House, Greenmarket, Dundee, on the afternoon of 20 August 2019. The Applicant was represented by Mr Stephen Forsyth of Muir Myles Laverty solicitors, Dundee. The Respondent was not present or represented.

The Applicant's representative confirmed that no payments of rent had been made since the date of the application and asked the Tribunal to issue an Order for Payment without a hearing, with the sum amended to £3,000 in terms of the updated Rent Statement.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations") provides 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 satisfied that it had before it all the information and documentation it required and that it would determine the application without a hearing.

The application had stated that the Applicant was seeking to recover all sums due by the Respondent, so the Tribunal was content to amend the sum sought to £3,000.

The Tribunal was satisfied that this sum was lawfully due by the Respondent to the Applicant and that an Order for Payment should be made.

The Tribunal noted that a deposit of £450 was held in a tenancy deposit scheme. Any part of the deposit which is repaid to the Applicant in respect of unpaid rent should be deducted from the amount sought at the stage of execution of the Order for Payment.

### **Decision**

The Tribunal determined that the application should be determined without a hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,000.

### **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.C**

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Legal Member/Chair

*20 August 2019*

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Date