



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Regulation 9 of the Tenancy Deposit
Schemes (Scotland) Regulations 2011 (Regulations)**

Chamber Ref: FTS/HPC/PR/18/0440

Re: Property at 2 Broomhouse Path, Edinburgh, EH11 3UL (“the Property”)

Parties:

**Mr Jacek Krzychowiec, Ms Joanna Krzychowiec, 49/1 Elbe Street, Edinburgh,
EH6 7HP (“the Applicant”)**

**Mrs Magdalena Szypulska-Zabluda, 116 Fernieside Crescent, Edinburgh, EH17
7DH (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of the Applicant)

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

Background

This is an application for compensation by the Applicant in terms of Regulation 9 of the Regulations and Rule 103 of the Tribunal Procedure Rules in respect of the Respondent’s alleged failure to protect the Applicant’s deposit.

The case had previously called for a Case Management Discussion (**CMD**) on 27 April 2018 at which the issues had been identified. It had then called for a Hearing at which the Applicant’s had sought and obtained an adjournment to the present date.

The case then called for a Hearing on 6 September 2018.

Hearing and Reasons

The Respondent appeared in person and was accompanied by her husband. The Applicant did not appear and no contact had been received from them. The Tribunal gave some time for the Applicant to appear but there was no appearance or contact.

The Tribunal proceeded in absence of the Applicant and with the assistance of an interpreter.

In light of the Applicant's non-appearance, the fact that the Applicant had been notified of the date of the hearing by letter of 6 August 2018 the Tribunal determined that the application be dismissed.

The Tribunal considered that such a decision was in accordance with the overriding objective. The Tribunal decision was unanimous.

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.

A Strain

Legal Member/Chair

5 September 2018

Date