



**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/18/2133**

**Re: Property at 6 Church Street, Dunbar, East Lothian, EH42 1HA (“the  
Property”)**

**Parties:**

**Mr Gregg Smith, Mrs Heather Smith, 3 Bridgend Cottage, Cockburnspath,  
Berwickshire, TD13 5YG (“the Applicant”)**

**Mr Vladimir Lukas, Ms Anna Lukasovo, 6 Church Street, Dunbar, East Lothian,  
EH42 1HA (“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 to decide the application without a hearing, granted the  
application and made an Order for payment to the Applicant by the  
Respondent of the sum of £2,300.**

**Background**

By application, received by the Tribunal on 15 August 2018, the Applicant sought an Order for Payment in respect of unpaid rent for the Property. The application was accompanied by copies of a Short Assured Tenancy Agreement between the Parties, in respect of the Property, which commenced on 17 April at a rent of £575 per month and a rent statement showing arrears, as at 17 July 2018, of Two Thousand Three Hundred Pounds.

By letter dated 11 October 2018, the Tribunal advised the Parties of the date and place of a Case Management Discussion. The Respondent was invited to make written representations to the Tribunal no later than 29 October 2018. The Respondent did not make any written representations to the Tribunal.

### **The Case Management Discussion**

A Case Management Discussion was held at George House, 126 George Street, Edinburgh on the morning of 1 November 2018. The Applicant was represented at the Case Management Discussion by Rachel Hill of Paris Steele WS. The Respondent was not present or represented.

The Applicant's representative provided the Tribunal with an up to date rental statement, showing arrears of rent of £2,715 as at 26 October 2018. The Tribunal advised that, as the amount sought in the application had been £2,300, the Tribunal was unable to order payment of a higher amount.

The Applicant's representative asked the Tribunal to exercise its discretion to decide the application without a hearing and to grant an Order for Payment.

### **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 satisfied that it had before it all the information it required to make a decision and that it would decide the application without a hearing.

The Tribunal was satisfied that the sum sought by the Applicant was lawfully due by the Respondent.

### **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 Clark

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**Legal Member/Chair**

1 November 2018

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**Date**