



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/26/0191

Re: Property at 88 Fancy Farm Road, Greenock, PA16 7NE (“the Property”)

Parties:

Miss Alison Williamson, 0/2, 21 Brisbane Street, Greenock, PA16 8LL (“the Applicant”)

HCE Properties, 201 Auchmead Road, Greenock, PA16 0LN (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £450.

Background

1. This is a Rule 111 application whereby the Applicant is seeking an order for payment in the sum of £450 in respect of a tenancy deposit that was not returned at the end of the tenancy. The Applicant lodged a copy of a private residential tenancy agreement between the parties which commenced on 9th October 2021 with a monthly rent of £450.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 7th May 2026.
3. A Case Management Discussion set down for 8th June 2026 had to be postponed due to technical issues.
4. Notification of a further Case Management Discussion was made upon parties by letter dated 11th June 2026.

Case Management Discussion

5. A Case Management Discussion (“CMD”) took place by telephone conference on 29th June 2026. The Applicant was in attendance. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to attend. The Respondent did not join the call.
6. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
7. The Applicant confirmed the background to the application. As set out in the tenancy agreement, a deposit of £450 was required. The Applicant said the deposit was paid by her parents to the Respondent in cash, as her parents had previously lived in the Property and knew the Respondent. The tenancy ended on 26th December 2025. Requests made to the Respondent for repayment of the deposit were not answered.
8. Responding to questions from the Tribunal, the Applicant said she was unaware of any issues at the end of the tenancy that would justify the Respondent withholding the deposit. She was aware that the Property was almost immediately re-advertised for let, which suggested there were no issues.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 9th October 2021 with a monthly rent of £450.
 - (ii) A tenancy deposit of £450 was paid to the Respondent on behalf of the Applicant at the commencement of the tenancy.
 - (iii) The tenancy ended on 26th December 2025.
 - (iv) In terms of the tenancy agreement, the Respondent was obliged to return the deposit at the end of the tenancy less any authorised deductions.
 - (v) The Respondent failed to return the deposit at the end of the tenancy, and no notification was made of any authorised deductions.
 - (vi) The Applicant is entitled to return of the tenancy deposit.

Reasons for Decision

10. The Applicant is entitled to return of the tenancy deposit. The Respondent is not entitled to retain the tenancy deposit in the absence of any authorised and notified deductions.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £450.

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.



Legal Member/Chair

29th June 2026
Date