



**Amended 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/21/0846**

**Re: Property at Flat 2, Invergowrie House, George Pirie Way, Dundee, DD2 1UA (“the Property”)**

**Parties:**

**Cindy Wigginton, Mr Don Mills, 4 St Luke's Rd, Dundee, DD3 0LD; 4 St Lukes Rd, Dundee, DD3 0LD (“the Applicants”)**

**Mrs Carole Arrenberg, Flat 2, Invergowrie House, George Pirie Way, Dundee, DD2 1UA (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that no order should be granted in this case.**

**Background**

1. This is an application received on 7<sup>th</sup> April 2021, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”). The Applicants are seeking an order for payment in respect of an unreturned tenancy deposit in respect of a tenancy agreement between the parties that commenced on 13<sup>th</sup> February 2020 and ended on 17<sup>th</sup> January 2021. The deposit of £600 was paid on 22<sup>nd</sup> January 2020. The Applicants are claiming £560, after deduction of £40 in respect of interior plasterwork damage to the Property. The Applicants lodged a copy of the tenancy agreement and a copy bank statement showing the payment of the tenancy deposit.
2. Case Management Discussions (“CMD”) took place on 7<sup>th</sup> May, 2<sup>nd</sup> and 17<sup>th</sup> June 2021.

3. At the CMD on 17<sup>th</sup> June 2021, in the absence of the Respondent, an order was granted in the sum of £560.
4. Following representations from the Respondent and a response from the Applicants, the Tribunal recalled the decision, issuing a recall decision dated 27<sup>th</sup> July 2021.
5. A CMD took place on 20<sup>th</sup> September 2021 and the matter was continued to a hearing in a related case, FTS/HPC/PR/21/0581.
6. Following a hearing in the case, FTS/HPC/PR/21/0581, on 21<sup>st</sup> October 2021, an order was made to lodge the deposit with an approved tenancy deposit scheme to allow adjudication on the return of the deposit.
7. Consequently, the Tribunal decided to make no order in this case. The 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.**

Helen Forbes

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**Legal Member/Chair**

**22<sup>nd</sup> October 2021**  
**Date**