



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/20/2440

Re: Property at 29/2 Rannoch Place, Edinburgh, EH4 7HH (“the Property”)

Parties:

Mr Pablo Cabrera Garcia, 29/2 Rannoch Place, Edinburgh, EH4 7HH (“the Applicant”)

Mr Ian Alvis, 11/1 Roseburn Maltings, Edinburgh, EH12 5LY (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment should be refused.

Background

This is an application under Rule 111 and section 71(1) of the Act in respect of recovery of part of a deposit payment due by the Respondent.

The Tribunal had regard to the following documents:

1. Application dated 23 November 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 5 June 2019;
3. Deposit receipt signed and dated 3 August 2018;
4. AT5 dated 4 August 2018;
5. Safe Deposits Scotland Certificate dated 1 August 2019;
6. Letter of 8 January 2021 from the Tribunal Administration to the Applicant serving the CMD Notification;
7. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 11 January 2021.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 15 February 2021. Neither the Applicant nor the Respondent participated.


The Tribunal delayed the start of the CMD to see if the Parties would participate. They did not.

The Tribunal were satisfied that the Parties had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Parties that they should attend and the Tribunal could determine the matter in absence if they did not.

The Tribunal considered that it had sufficient information upon which to make a Decision and that the procedure was fair. In the absence of the Parties the Tribunal could not be satisfied that the debt of £150 had been established and accordingly refused the application for an order for payment.

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.


Alan Strain

Legal Member/Chair

15 February 2021

Date