

Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulations 9 and 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the Regulations”) and Rule 103 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).

Chamber Ref: FTS/HPC/PR/23/1700

Re: Property at 12 Lintwhite Court, Bridge of Weir, PA11 3NW (“the Property”)

Parties: Applicant Miss Claire Hopkins Applicant Representative Mr Peter Hopkins
Respondent Ms Ashley Jane Martin

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), dismissed the Application and made no Order.

1. By application received between 25 May 2023 and 07 June 2023 (“the Application”), the Applicant applied to the Tribunal for an Order in terms of Regulation 10 of Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the Regulations”).
2. The Application comprised a copy of a tenancy agreement between the Parties with an entry date of 17 April 2023 and copy bank statement showing that a tenancy deposit of £1,442.50 had been paid by the Applicant to the Respondent. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 7 August 2023 at 11.30. The CMD was adjourned to 9 October 2023 at 14.00 for Service by Advertisement on the Respondent.

CMD

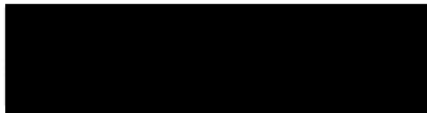
3. The CMD took place on 9 October 2023 at 14.00 by telephone conference. Neither Party appeared at the CMD and neither was represented.
4. No evidence was before the Tribunal in respect of the Respondent’s failure to lodge the tenancy deposit.

Decision

5. As the Tribunal could not be satisfied that the Respondent had not complied with Regulation 10(a) of the Regulations, the Tribunal could not make an Order. Therefore, the Tribunal dismissed the Application with no Order.

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

Date: 9 October 2023