



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulations 3 and 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/23/1784

Re: Property at 4/4 Warrender Park Crescent, Edinburgh, EH91DX (“the Property”)

Parties:

Mr Louis Brouwer, Mr Noah Mcnaught, Mr Eduardo Vazquez-Naya, Mr Ramiro Hamilton Ruiz Martinez, UNKNOWN, UNKNOWN (“the Applicant”)

Plutos Properties Ltd, Flat 6, Royal Apartment Street 5, Union Street, Dundee, DD14BN (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of either party)

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

Background

On 1st June 2023 an application was lodged seeking compensation for the Respondent allegedly not placing the Deposit paid by the Applicants in to a tenancy deposit scheme.

On 4th August 2023 the Fifth Named Applicant, Katie McMillan, emailed the Tribunal to confirm that the Respondent had repaid the deposit, and an additional amount of compensation.

On 8th August 2023 the Fifth Named Applicant emailed the Tribunal to say that she was taking legal advice and would email again the following week. She sent no further emails to the Tribunal.

Case Management Discussion

The Case Management Discussion took place by teleconference on 30th October 2023. Neither party dialled in.

The Tribunal assumed, in the absence of anyone having advised the Tribunal otherwise, and despite Miss McMillan having sent an email saying that she would confirm her position, that the matter had settled and dismissed the application.

Decision

Application dismissed for want of insistence.

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.

A Kelly

30th October 2023

Legal Member/Chair

Date