



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

Chamber Ref: FTS/HPC/PR/23/1284

Re: Property at 17/12 Milton Street, Edinburgh, EH8 8EZ (“the Property”)

Parties:

Miss Sarah Motevalli, Gateway Apartments, 29 Montgomery Street, E 110C, Edinburgh, EH7 5BH (“the Applicant”)

Mr Lloyd Kilbride, 17/12 Milton Street, Edinburgh, EH8 8EZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and orders the Respondent to pay the sum of £2,700,00 to the Applicant.

Background

[2] The Applicant seeks an Order under Regulation 10 for an order that the Respondent pay her three times the value of her £900.00 deposit which the Applicant contends was paid to the Respondent but not registered with an approved scheme as required by Regulation 3.

[3] There had been a previous Case Management Discussion at which the Respondent was not present nor represented despite having had service of the Application. The Respondent had been directed to state any defence to the Application to be relied upon

within 21 days. That had not been complied with. The only communication subsequently received by the Tribunal from the Respondent was to confirm that the Respondent had paid the £900.00 back to the Applicant.

The Case Management Discussion

[4] The Application called again for a Case Management Discussion (CMD) by conference call at 10 am on 16 October 2023. The Applicant was represented by Ms Munro from The Advice Place, Edinburgh University. The Respondent was not in attendance once again. The details of this CMD had also been competently served on the Respondent. The Respondent had also chosen to email the Tribunal simply to explain that the related Application for the return of the deposit itself had been resolved. The Tribunal therefore took the view that the Respondent had elected not to participate or offer any substantive defence to the Application as directed.

[5] Having considered the Application and the information before it, the Tribunal made the following findings in fact.

Findings in Fact

- I. The Applicant paid the sum of £900.00 to the Respondent as a deposit under a tenancy agreement between the parties;*
- II. The Respondent failed to register it as a deposit with an approved scheme as required by Regulation 3;*
- III. The Respondent has offered no defence, explanation, or mitigation of any sort in respect of the aforesaid breach and has failed to engage with the Tribunal process.*

Reasons for Decision

[6] Having made the above findings in fact, the Tribunal granted the Application and orders the Respondent to pay the sum of £2,700.00 to the Applicant.

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 McLaughlin

Legal Member/Chair

16 October 2023

Date