



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014**

**Chamber Ref: FTS/HPC/CV/23/2595**

**Re: Property at 100 Victoria Road, Torry, Aberdeen, AB11 9DU (“the Property”)**

**Parties:**

**Mr Oluwatimilehin Odumosu, Flat 4/3 16 Netherkirk Gate, Aberdeen, AB10 1AU (“the Applicant”)**

**Mr Antti Ong, Flat 5, 10 Belmont Street, Aberdeen, AB10 1JE (“the Respondent”)**

**Tribunal Members: Shirley Evans (Legal Member)**

**Decision (in absence of the both parties)**

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

**Background**

1. This is an action for the return of a tenancy deposit of £400 raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the parties and various bank statements.
3. On 24 August 2023, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 13 October 2023 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 3 November 2023. The Tribunal advised parties that a Case Management Discussion under Rule 17 of the Regulations would proceed on 16 November 2023. This paperwork was served on the Respondent by Roger Ewan, Sheriff Officer on 16 October 2023 and the Execution of Service was received by the Tribunal administration.

5. The Tribunal thereafter issued a Notice of Direction to the Applicant requiring him to lodge any correspondence to show whether the deposit of £400 was paid or not by the Respondent into an approved tenancy deposit scheme in terms of the Tenancy Deposit Scheme (Scotland) Regulations 2011. The Tribunal requested that this be lodged by close of business on 8 November 2023. The Applicant did not comply with this Direction.
6. The Respondent did not lodge any written representations by 3 November 2023.

### **Case Management Discussion**

7. The Tribunal proceeded with the Case Management Discussion on 16 November 2023. There was no appearance by or on behalf of either the Applicant or the Respondent despite the Tribunal keeping the conference call line open for over 15 minutes.

### **Reasons for Decision**

8. The Tribunal noted the terms of the letters to the both parties of 13 October 2023 that the Case Management Discussion would proceed on 16 November 2023. The Tribunal also noted that both parties were advised in the letters that the Tribunal could do anything at the Case Management Discussion which it could do at a hearing including making a decision on the application. The Tribunal further noted that parties were both advised that if they did not attend the Case Management Discussion this would not stop a decision or order being made by the Tribunal. The Tribunal was satisfied that both parties were aware that the Case Management Discussion would proceed on 16 November 2023.
9. The Tribunal, in the absence of the Applicant and in the absence of the Respondent, had no information before it to determine the application. The Applicant had failed to produce further information to assist the Tribunal as requested in the Notice of Direction.

### **Decision**

10. The Tribunal refused the application.

### **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.**



16 November 2023

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Legal Member

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Date