



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/23/3956

Re: Property at 3A Strathmartine Road, Dundee, DD3 7RL (“the Property”)

Parties:

Miss Beth Jowett, 3A Strathmartine Road, Dundee, DD3 7RL (“the Applicant”)

Mr Ihsan Haq, 25 Lintrathen Gardens, Dundee, DD3 8EJ (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant in the sum of One thousand Six hundred and Fifty pounds (£1,650) be made.

Background

The Applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) “the Tribunal” on 8 November 2023. Accompanying the application was a copy of her Lease together also with copies of documents showing payments made by her in respect of a deposit and also rent. The Tribunal application was received on 9 November 2023 and on 17 November 2023 was accepted.

The application was served by sheriff officers on the Respondent.

No written response was received to the application.

Case Management Discussion

On the teleconference the Applicant attended. The Respondent did not.

The Applicant confirmed that she had paid on 1 March 2021 the sum of £1,050 in respect of the lease of the property at 3A Strathmartine Road, Dundee. She is in the process of leaving the premises but remains there at present.

The deposit had never been placed within a safe deposit scheme.

Findings in Fact

1. The parties entered into a Lease for the property at 3A Strathmartine Road, Dundee in April 2021.
2. The applicant paid a deposit of £550 on 31 March 2021.
3. The deposit has never been placed in a safe deposit scheme.

Reasons for decision

The Respondent did not attend at the teleconference and had provided no written response. He appears to be a landlord with more than one property. Accordingly he should be aware that the deposit requires to be placed within a deposit scheme.

It is approaching two years since the payment was made.

In the circumstances the Tribunal awarded a payment of three times the amount of the deposit. There appeared to be no mitigation either provided or available which would entitle the Tribunal to conclude that a lesser order be made.

Decision

For the Respondent to make payment to the Applicant of the sum of One thousand Six hundred and Fifty pounds (£1,650).

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.

Mark Thorley

Legal Member/Chair

Date 6th February 2024

