



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/3524

Re: Property at 1/2 26 Kennedy Path, Merchant City, G4 0PP (“the Property”)

Parties:

Miss Shria Kshatrapal Singh, 4/16 220 Wallace Street, Glasgow, G5 8AH (“the Applicant”)

R.S Estates UK Ltd, Mr Ifran Suleman, 17 Kennedy Path, Townhead, Merchant City, G4 0PP (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background
1. This is an application for an order for payment in relation to return of a deposit paid by the Applicant to the Respondent, in terms of her private residential tenancy at the Property. It called for a hearing at 10am on 16 May 2024, by teleconference. The Applicant was on the line in-person. The Respondent was not on the line or represented. The commencement of the hearing was delayed by 10 minutes to allow for any technical difficulty it may have been experiencing, but there remained no contact from it.
 2. The Respondent had been represented at a case management discussion

('CMD'), where the matter was adjourned to this hearing. The date of the hearing had been communicated to it by the Tribunal administration. Further, a direction was made following the CMD, requiring the Respondent to provide: "Evidence of the condition of the Property upon the Applicant leaving it; and a full breakdown of the sums [the Respondent] alleges were expended by it to remediate this, with any vouching or receipts it may have to show that they were paid."

3. No response was received in terms of that direction. The Tribunal was satisfied that the Respondent was aware of the hearing but had chosen not to attend and that it was therefore fair to proceed in its absence.

- Findings in Fact

The following facts the Applicant relied on were taken as proved by the Tribunal, there being no opposing evidence presented:

4. The Applicant let the Property from the Respondent under a private residential tenancy with a start date of 1 August 2022.
5. The Applicant paid the Respondent a deposit of £1,000 at the start of the tenancy.
6. The tenancy ended on 31 July 2023, when the Applicant left the Property.
7. The Respondent has refused to return the deposit, it claims because various remedial work was required to return the Property to a reasonable state of repair, which exhausted it.
8. No such work was required.

- Reasons for Decision

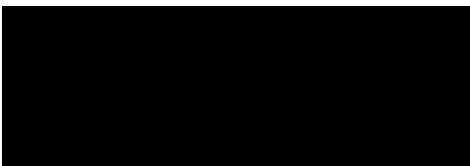
9. The Applicant's case was that the Property was left in a reasonable state of repair when she left it and that she is therefore entitled to return of her deposit. The Respondent was directed to provide proof to counter that assertion, but it has failed to do so. The Tribunal therefore accepts the Applicant's position on the matter and an order will be made for the return of the deposit.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of ONE THOUSAND POUNDS STERLING (£1,000).

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.



N.Young

Legal Member/Chair

16/05/2024

Date