



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

Chamber Ref: FTS/HPC/PR/24/1095

Re: 4 Jameson Place, Edinburgh EH6 8PB (“the Property”)

Parties:

Ines Lozano Lopez, 203 Great Junction Street, Edinburgh EH6 5RU (“Applicant”)

Karen Preston and Marc Preston, formerly of 13A Comely Green Place, Edinburgh EH7 5SY present whereabouts unknown (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision :

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to dismiss the Application.

Background

1. The Applicant made an application in Form G ("Application") dated 6 March 2024 under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("Rules") stating that the Respondent had failed to timeously lodge a tenancy deposit in an appropriate scheme in breach of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("2011 Regulations"). Supporting documents were lodged.
2. The Tribunal had sight of a certificate of service by advertisement which confirmed that the application was served by advertisement on the Tribunal website between 10 July 2024 and 1 August 2024.

Case Management Discussion (“CMD”)

3. A CMD took place on 1 August 2024 by conference call. Neither the Applicant or the Respondent were in attendance.

4. The Tribunal issued a direction dated 1 August 2024 asking the Applicant to state to the Tribunal whether or not she wished to proceed with the Application. A response was sought by 16 August 2024. No response was received.

Reasons for the Decision

5. As the Applicant is no longer insisting on the Application it should be dismissed.

Decision

The Tribunal determined to dismiss 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.

Joan Devine

**Joan Devine
Legal Member**

Date: 22 August 2024