



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/2110**

**Re: Property at 67 Carrick Knowe Gardens, Edinburgh, EH12 7EH (“the Property”)**

**Parties:**

**Ms Gabriella Molnar, Dr Istvan Homolya, Flat B, First Floor, 39 Wallace Street, Stirling, FK8 1NU (“the Applicant”)**

**Mr Ammar Arran, 30 Kingsknowe Road South, Edinburgh, EH14 2JW (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

**Decision (in absence of the Respondent)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondent in the sum of £800.00 with interest at the rate of 5 per cent per year from today’s date until payment.**

**Background**

[2] The Applicant seeks a Payment Order in respect of an £800.00 tenancy deposit that they say was paid to the Respondent and which was not returned at the end of the tenancy. There is also a related Application pending before the Tribunal in respect of the non-registration of that deposit.

[3] The Application is accompanied by a copy of the tenancy agreement and evidence of the deposit having been paid and efforts made to secure its return at the end of the tenancy.

### **Case Management Discussion**

[4] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 23 August 2024. The Applicants were personally present. There was no appearance by or on behalf of the Respondent. The Application had been competently served on the Respondent by Sheriff Officers. As the Respondent was not present, the Tribunal decided therefor to proceed in the Respondent's absence. Having heard from the Applicants and having considered the documentation before the Tribunal, the Tribunal made the following findings in fact.

### **Findings in fact**

- I. *The Parties entered into a tenancy agreement dated in terms of which the Applicants paid a deposit of £800.00 to the Respondent;*
- II. *At the end of the tenancy, the Respondent failed to return the deposit to the Applicants. The Respondent is also thought to have failed to register the deposit in an approved scheme;*
- III. *The sum of £800.00 is resting owed by the Respondent to the Applicants.*

### **Decision**

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicants against the Respondent in the sum of £800.00 with an award of interest at the rate of 5 per cent per year from today's date until payment.

### **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.**

Andrew McLaughlin

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Legal Member/Chair

23 March 2024

Date