



Decision with Statement of Reasons for 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/24/1349

Re: Property at 17/4 Ferry Road Avenue, Edinburgh, EH4 4BE (“the Property”)

Parties:

Mr Vincent Ojo, 16/F Muirhouse Place East, Edinburgh, EH4 4PW (“the Applicant”)

Mr Andrew Floras, UNKNOWN, UNKNOWN (“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 the application be dismissed.

- Background

The applicant applied to the Tribunal by application dated 20 March 2024. Accompanying the application were bank statements showing payments made to the Landlord and a Whatsapp message. The application was accepted for determination on 21 May 2024. The applicant sought payment under the Tenancy Deposit Regulations for an alleged failure by the Landlord to place a deposit in an approved scheme.

The application was served on the respondent by advertisement.

There had been an earlier Case Management Discussion when no party had attended.

- The Case Management Discussion

At the teleconference no party attended. No written submissions had been made by either party in advance of the Discussion. The Tribunal could only conclude that the application was not to be insisted upon and dismissed the application.

- Reasons for Decision

This was the second occasion when neither party had attended the case management discussion. The Tribunal were of the view that sufficient opportunity had been given to the applicant to confirm whether he wished to insist on the application.

- Decision

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.

Mark Thorley

5TH of February 2025

Legal Member/Chair

Date