

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 16A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/PR/23/3460

Re: 51/2 Broughton Street, Edinburgh EH1 3RJ ("the Property")

Parties:

Noora Kuusisto, Meritullinkatu 24 B 27, 00170, Helsinki, Finland and Emmi Paulakannas, Siilitie 4 C 15, 00800 Helsinki, Finland ("Applicant")

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") lodged on 1 October 2023 under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("Rules"). In the application the Applicant said they wished their deposit back and the first month's rent. They sought payment of £1250.
2. The documents produced to the Tribunal by the Applicant were a tenancy agreement dated 11 July 2023 which commenced on 20 September 2023; screenshots of a bank transfer from the First Applicant to Ronell Soobramanian of £600 on 17 July 2023 and from the First Applicant to Adeola Adebayo of £650 on 26 July 2023; a screenshot of the landlord register showing no landlord registered for the Property; screenshot of Letting Protection Scotland website showing that they did not hold a deposit for the Applicant; screenshot of Mydeposits Scotland website showing that they did not hold a deposit for the

Applicant; screenshot of Safe Deposits Scotland website showing that they did not hold a deposit for the Applicant

3. The Tribunal sought clarification of a number of issues including (a) whether the application was under rule 103 or rule 111; (b) why the deposit was paid to someone other than the Respondent; and (c) the tenancy end date. In response the First Applicant said that the Applicant also wished to apply under rule 111; the tenancy terminated on 30 November 2023 and was a short term let; that the tenancy did not ever start and that payment was sent to the bank account provided
4. Attempts were made to serve a copy of the application on the Respondent without success. By emails to the Applicant dated 22 November and 6 December 2024 the Tribunal asked the Applicant to provide an alternative address for the Respondent or alternatively to complete an application for permission to serve the application on the Respondent by advertisement on the Tribunal website. The Applicant did not reply to the emails issued. On 16 December 2024 the Tribunal sent a further email to the Applicant following up the previous emails. The Tribunal explained that the application could not proceed if it was not served on the Respondent. The Tribunal asked for a response by 31 January 2025 failing which the application would be rejected. The Applicant did not respond.

Reasons for the Decision

5. The Tribunal was unable to serve the application on the Respondent. An alternative address was requested from the Applicant. The Applicant was told of the possibility to seek permission to serve the application by advertisement. The Applicant neither provided an alternative address or sought permission to serve by advertisement. The Tribunal explained to the Applicant that if the application could not be served on the Respondent, it could not proceed. The Applicant did not provide the essential information to allow the application to proceed.

Decision

6. The Tribunal determined to dismiss the application for want of insistence.

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
Legal Member**

Date: 15 April 2025