

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) act 2014 on an application made under Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011**

**Chamber Ref: FTS/HPC/PR/24/4503**

**Re: Property at 27-12 Viewcraig Street, Edinburgh, EH8 9UJ (“the Property”)**

**Parties:**

**Miss Yujie Bi, 22 Simpson Loan, Flat 4, Edinburgh EH3 9GD (“the Applicant”)**

**Mrs Seow Hong Lee, 362 Bensham Lane, Thornton Heath, Croydon, CR7 7EQ (“the Respondent”)**

**Tribunal Member:  
George Clark (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.**

**Background**

1. By application, dated 29 September 2024, the Applicant sought an Order for Payment in respect of the failure of the Respondent to comply with Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”). The Applicant’s complaint was that the Respondent had failed to lodge her deposit of £580 in an approved tenancy deposit scheme. The Applicant was seeking an Order for Payment for full return of the deposit and compensation of up to three times the amount of the deposit.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement, partly in Chinese and partly in English, between the Parties, commencing on 17 May 2023 at a rent of £580 per month, with a deposit of £580. The Applicant did not provide evidence from the three recognised Tenancy Deposit Schemes that the deposit had not been held

by them. She stated that she had vacated the Property on 23 August 2024.

3. On 18 February 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 11 March 2025. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 1 April 2025. Neither Party was present or represented.

### **Reasons for Decision**

5. The Tribunal considered whether it was able to determine the application in the absence of both Parties, but decided that, as it had no evidence beyond the Applicant's complaint, it was unwilling to do so. In particular, the Applicant had not provided confirmation from the three government-approved Tenancy Deposit Schemes (Letting Protection Scotland, SafeDeposits Scotland and mydeposits Scotland) that they had not at any time held the deposit.
6. The view of the Tribunal was that it had insufficient evidence on which to determine the application and that it should be dismissed. The Tribunal recognised that the Parties may not have understood that they were expected to attend the Case Management Discussion and would refer the Parties to Regulation 30 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, which permits a party to apply to the Tribunal to have a decision recalled where the Tribunal made the decision in absence because that party did not take part in the proceedings, or failed to appear or be represented at a hearing following which the decision was made. Such an application for recall must be made in writing, must state why it would be in the interests of justice for the decision to be recalled and must be received by the Tribunal within 14 days of the decision.

### **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.**



George Clark

**Legal Member/Chair**

**1 April 2025**  
**Date**