



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/24/4277

Re: Property at 1/2 Moffat Way, Edinburgh, EH16 4PY (“the Property”)

Parties:

Miss Yogita Sood, Flat 1,8 Barnyard Park, Rigg, EH12 9LJ (“the Applicant”)

Ms Stanka Vlaikova, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondent)

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 £ 650.

Background

1. By application dated 11 September 2024 the Applicant applied to the Tribunal for an order for payment, in respect of the return of the deposit arising from the Respondent’s tenancy of the Property.

2. The Applicant submitted along with the application;

- Copy tenancy agreement.
- Proof of payment of the deposit on 26 July 2024.
- Copies of e-mails, letters and texts exchanged between the parties regarding the deposit.
- Copy notice from the Respondent intimating she had left the Property.

3. By Notice of Acceptance dated 24 September 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

4. Intimation of the CMD was effected by Service by Advertisement. A Certificate of Advertisement was produced. This confirmed that an advertisement appeared on the Service by Advertisement page of the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 6 March 2025 until 4 April 2025.

The Case Management Discussion

5. A Case Management Discussion took place at 11.30 on 4 April 2025. The Applicant was present together with her representative Ms Hogg. The Respondent was not present and was not represented.

6. The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

7. Ms Hogg said that the Applicant had entered into a tenancy agreement with the Respondent and had paid the deposit payment of £650 together with the first month’s rent payment. She had moved in on 1 August 2024.

8. The Applicant had immediately realised, that the tenancy was not going to work out, as the other three flat occupants were heavy smokers, and she has a number of allergies.

9. The Applicant had informed the Respondent the next day that she would be moving out. She had provided a written notice on 8 August 2024. The Applicant understands that she will not receive her rent payment back, but seeks the return of her deposit. She did not live in the Property and has not caused any damage. She seeks an order for payment as the Respondent has refused to pay her deposit back.

Findings in Fact

10. The parties entered into a Private Residential tenancy that commenced on 1 August 2024 at a rent of £650.00 per calendar month.

11. In terms of clause 27 of the tenancy agreement the Applicant required to pay the sum of £650 by way of deposit.

12. The Applicant made payment of £650 deposit to the Respondent on 26 July 2024.

13. The Applicant has requested the return of the deposit from the Respondent who has failed to do so.

14. The Respondent is due £650 to the Applicant in respect of the return of the deposit payment.

Reasons for Decision

15. The Tribunal was satisfied from the written representations and documents submitted by the Applicant together with the oral submissions that the parties entered into a Private Residential tenancy agreement that commenced on 1 August 2024 and that a deposit of £650 had been paid by the Applicant to the Respondent. Further the Tribunal was satisfied that the deposit had not been returned despite requests and in the circumstances was minded to grant the order for payment as sought.

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.

Y McKenna

Yvonne McKenna

4 April 2025

Legal Member/Chair

Date