

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

Chamber Ref: FTS/HPC/CV/24/5761

Re: Property at 1A Balmoor Terrace, Peterhead, AB42 1EP (“the Property”)

Parties:

Miss Chantelle Gentle, 4 Almanythie Road, Peterhead, AB42 1LD (“the Applicant”)

Mr Mark Buchan, The Walled Garden, Crimonmogate, Lonmay, AB43 8SB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in favour of the Applicant in the sum of £500.

Background

1. The Applicant submitted an application under Rule 111 for an order for payment on the basis that it was said that the Respondent had failed to comply with the Tenancy Deposit Schemes (Scotland) Regulations 2011.
2. By decision dated 9 December 2024, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal issued letters on 15 March 2025 informing both parties that a case CMD had been assigned for 15 May 2025, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondent was invited to make written representations by 5 April 2025. No representations were received.

The case management discussion

4. The Applicant joined the conference call and represented herself. The Respondent did not join the call and the discussion proceeded in his absence. This case called alongside a related case which proceeds under chamber reference FTS/HPC/PR/24/5435. The Tribunal explained the purpose of the CMD. The Applicant confirmed that the tenancy started on 2 June 2023 although she did not move into the Property until 8 June 2023. She signed a tenancy agreement, but the Respondent did not provide her with a copy. She paid a deposit of £500 on 8 June 2023. The tenancy ended on 9 September 2024. She offered to meet the Respondent to hand over keys, but no arrangement was made by the Respondent. The Respondent told the Applicant that after he had checked the Property, he would return her deposit. The Applicant left the Property in good condition. The Respondent did not make any contact with Applicant about her deposit, and he has not repaid it.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 2 June 2023.
6. The Applicant paid a deposit of £500 to the Respondent on 8 June 2023.
7. The Respondent failed to return the deposit to the Applicant.

Reason for Decision

8. The Tribunal proceeded on the basis of the written documents which were before it and the information provided by the Applicant at the CMD. The Respondent did not lodge any written representations or participate in the CMD. The Respondent failed to secure the Applicant's deposit within an approved scheme. The Information before the Tribunal was that the Respondent did not return her deposit at all and failed to make contact with her about that.

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.

N Irvine

Legal Member/Chair

15 May 2025
Date
