

**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/24/3099**

**Re: Property at 1R, 180 Lochee Road, Dundee, DD2 2NG (“the Property”)**

**Parties:**

**Mr Ahmed Rauf, 4D Stirling Street, Dundee, DD3 6PH (“the Applicant”)**

**Vision Realty Ltd, Vision Reality Ltd, Castlecroft Business Centre, Brought Ferry, Dundee, Scotland, DD4 8XD (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (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 the sum of Six hundred and fifty pounds (£650) with a time to pay direction requiring the Respondent to pay the full amount within thirty days of intimation of the order.

**Background**

- 1** This is an application for a payment order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017. The Applicant sought the sum of £650, being the return of his tenancy deposit.
- 2** The application was referred to a case management discussion (“CMD”) to take place by teleconference on 2 June 2025. The Tribunal gave notification of the CMD to the parties under Rule 17(2) of the Rules. Said notification was served upon the Respondent by sheriff officers.
- 3** On 15 April 2025 the Tribunal received an application for a time to pay direction from the Respondent. In terms of said application the Respondent accepted liability for the claim and offered to pay the full amount within thirty days. The

application for a time to pay direction was intimated upon the Applicant. The Tribunal received no response.

### **The CMD**

- 4 The CMD took place on 2 June 2025. The Applicant joined the call. There was no appearance by the Respondent. The Tribunal noted that the Respondent had received proper notification of the CMD under Rule 17(2) of the Rules and determined to proceed in their absence.
- 5 The Tribunal confirmed with the Applicant that he had not received any payment from the Respondent following the submission of the time to pay application.

### **Reasons for decision**

- 6 The Tribunal was satisfied that it could make a decision following the CMD. The Respondent had admitted liability for the claim, therefore there were no issues to be resolved that would require a hearing to be fixed.
- 7 The Tribunal concluded based on the application paperwork and the written representations from the parties that the Applicant had paid a tenancy deposit at the start of the tenancy in the sum of £650, and that the Respondent had failed to return this following the termination of the agreement between the parties. The Respondent did not dispute this.
- 8 The Tribunal therefore made a payment order in the sum of £650 with a time to pay direction requiring payment in full within 30 days of intimation of the order.

### **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.**

# R.O'Hare

**Legal Member/Chair**

**Date 2 June 2025**

