

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 Section 16 of the Housing (Scotland) Act 2014.

Chamber Ref: FTS/HPC/PR/24/5501

Re: Property at 26 Park Circus Lane, Glasgow, G3 6BH (“the Property”)

Parties:

Mr Peter Meadows, 14 Courthill, Bearsden, East Dunbartonshire, G61 3SN (“the Applicant”)

Mrs Sarah Miller, unknown, unknown (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that there being no request by the Applicant to serve the application on the Respondent by advertisement, the Case Management Discussion previously assigned be discharged and the application dismissed.

Background

1. This is an application for an order for payment for where it is alleged the Respondent has not paid a deposit into an approved scheme under the Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”). The Application is made under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The Application was accompanied by a Private Residential Tenancy commencing 15 May 2024 between the Respondent, the Applicant and a third party, various emails between the Applicant and the Respondent’s letting agent dated 16 September 2024 to 25 November 2024, an email dated 27 November 2024 from Safe Deposits Scotland, an undated screen shot

from Letting Protection Scotland and a copy transcript dated 27 November 2024 between the Applicant and My Deposits Scotland and a previous decision of the Tribunal relating to different parties.

3. On 3 December 2024 the Tribunal emailed the Applicant to point out that the application was raised against the letting agents name and not the Respondent as Landlord and seeking proof of payment to the Respondent.
4. On 9 December 2024 the Applicant wrote to advise the letting agent named in the application should still be named as the Respondent as the Landlord, namely S Millar, had nothing to do with the Lease. He also attached a document signed by him and two third parties regarding the payment of a deposit by the Applicant to a third party not named on the Private Residential Tenancy Agreement and that other sums had been paid to the letting agent by the third parties under a previous Lease between the third parties and Sarah Miller.
5. On 11 December 2024 the Applicant emailed the Tribunal to advise the Landlord was Sarah Miller but that the letting agent should still be named as the Respondent. He made reference to a previous lease between the third parties and Sarah Miller and claimed no deposit had been paid into a scheme administrator in that case either. He submitted a new application form which named the Landlord Sarah Miller as the Respondent and enclosed a copy tenancy agreement between the third parties and Sarah Miller.
6. On 12 December 2024, the Tribunal accepted the application under Rule 9 of the Regulations.
7. On 11 March 2025 the Tribunal attempted to serve the application paperwork on the Respondent at the address provided by the Applicant in the application by way of Sheriff Officers. The Sheriff Officers were unable to serve the application paperwork on the Respondent.
8. On 3 April 2025 the Tribunal emailed the Applicant advising service on the Respondent was unsuccessful and asking the Applicant to provide an up to date address for the Respondent, failing which the Tribunal advised he could ask for service to proceed by Service by Advertisement and directed him to the Tribunal website for details. On 3 April 2025 the Applicant replied asking if the Tribunal could contact the letting agents as they were responsible for the tenancy.
9. On 8 April 2025 the Tribunal emailed the Applicant to advise it was not the Tribunal's responsibility to contact the letting agency and that if he wished to

proceed he would have to do so himself and confirm the position regarding the address to the Tribunal.

10. On 14 April 2025, the Respondent emailed the Tribunal to enquire if he could proceed by service by advertisement. The Tribunal replied on 14 April 2025 referring the Applicant to its email of 3 April 2025 referring the Applicant to the Tribunal's website for details of how to apply for service by advertisement. No response was received from the Applicant.
11. The Tribunal emailed the Applicant on 28 April 2025 seeking a response by 6 May 2025. No response was received from the Applicant.
12. On 8 May 2025 the Tribunal emailed the Applicant in the following terms -
"We refer to our emails of 3, 8, 14 and 28 April and your emails of 3 and 14 April. As advised it is not for the Tribunal to contact the Letting Agency. The Tribunal must remain impartial and independent. As the Applicant it is for you to provide the Tribunal with the Respondent's address failing which it is for you to apply for the application to be served by advertisement. As advised in our email of 3 April details of how to do so are found on the Tribunal website. I attach the link for your convenience [Service By Advertisement | Housing and Property Chamber](#). If you decide that you want to proceed with an application to proceed to serve by way of advertisement you will need to do so by no later than 13 May 2025. Should you not do so by 13 May 2025, we should advise that the Tribunal may have to consider dismissing the action as it cannot proceed without valid service on the Respondent". No response was received from the Applicant.
13. The Tribunal does not have an address for the Respondent. The normal process if a party wishes to request service by advertisement is to submit an application form obtained from the Tribunal website along with written evidence of the steps taken to obtain the Respondent's address. The Applicant was provided with information where to obtain details about this from 3 April 2025 with reminders being sent to him on 8, 14 and 28 April 2025. A link to the Tribunal website was also included in the email of 8 May 2025. No response has been received from the Applicant. No application for service by advertisement has been received from the Applicant.
14. In the circumstances the CMD assigned for 10 June 2025 cannot proceed as the Respondent has not had service of the application papers. Further the Applicant has failed to engage further with the Tribunal process. In the circumstances the Tribunal discharges the CMD assigned for 10 June 2025 and dismisses the application due to the Applicant's refusal to engage.

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.

Shirley Evans

5 June 2025

Legal Member

Date