

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 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/25/0353

Re: Property at 57A Springbank Road, Paisley, PA3 2NH (“the Property”)

Parties:

Miss Ellie Mottram, 22J Renfield Street, Renfrew, PA4 8RN (“the Applicant”)

V1 Properties Ltd, 4 1/1 4 Cardon Square, Renfrew, PA4 8AP (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order be granted against the Respondent for payment to the applicant the sum of Four Hundred and Thirty Pounds (£430)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The applicant seeks recovery of the deposit she paid as it was not protected as required in a tenancy deposit scheme.

Service of the application and intimation of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff Officers on 29 May 2025. The CMD took place by teleconference on 22 July 2025 at 10.00 am. The applicant was represented by Mrs Stella Cojocar of Renfrewshire Citizens Advice Bureau. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 57A Springbank Road, Paisley PA3 2NH. The applicant is Miss Ellie Mottram who is the former tenant. The respondent is V1 Properties Ltd who is the former landlord.

The parties entered into a written tenancy agreement. This purported to be a 'assured shorthold tenancy agreement'. Such tenancies do not exist in Scotland. The tenancy arrangement between the parties commenced on 22 January 2024. The lease arrangement between the parties constitutes a private residential tenancy as defined in the 2016 Act. The rent was stipulated at £450 per month.

The applicant paid £430 at the commencement of the tenancy. This is evidenced. She vacated the property on 24 November 2024. She has requested the return of her deposit which has not been repaid to her.

The respondent has not justified the retention of the tenancy deposit. The respondent has not submitted any evidence justifying why the deposit was retained. The applicant has produced a copy of communications with the respondent evidencing that she was to obtain a positive reference. The respondent has otherwise failed to communicate with her. The applicant certifies that the condition of the property was the same at the end of the lease as it was when she took up occupation of the property. The respondent has not challenged the applicant's assertion which the tribunal found to be credible and reliable.

The applicant is entitled to recover the deposit which she paid at the commencement of the tenancy. The respondent has no basis or justification for retaining the deposit.

The applicant is entitled to a payment order in the sum of the deposit paid. The respondent refuses or, at least, unreasonably delays to return the deposit. A Payment Order is necessary.

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. Mill

22 July 2025

Legal Member/Chair

Date