

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/25/2523

Re: Property at 24/2 Coltbridge Avenue, Edinburgh, EH12 6AH (“the Property”)

Parties:

Mr Finbar Horgan, PF2, 5 Thistle Place, Edinburgh, EH11 1JH (“the Applicant”)

Mr Garry Mason, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £1728.30 (ONE THOUSAND SEVEN HUNDRED AND TWENTY EIGHT POUNDS AND THIRTY PENCE).

Background

1. An application was received by the Housing and Property Chamber dated 11th June 2025. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not returning the deposit, not returning the overpaid rent and compensation for an illegal eviction.
2. On 15th October 2025 all parties were written to with the date for the Case Management Discussion (“CMD”) of 27th November 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 5th November 2025.

3. Service by Advertisement was undertaken upon the Respondent 22nd October 2025.
4. This case is conjoined with FTS/HPC/PR/25/2518.

The Case Management Discussion

5. A CMD was held 27th November 2025 at 10am by teleconferencing by teleconferencing. The Applicant was present and represented himself. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
6. The Applicant said that he had complained about the condition of the Property to the Respondent. He said that the Respondent said that the repairs would be done when he moved into the Property. Shortly after he complained he received a WhatsApp message from the Respondent terminating the tenancy. This was on 5th May 2025. The Applicant felt intimidated by the Respondent so left the Property. He was very concerned that the Respondent did not follow procedure in giving him notice to leave the Property in the correct legal way. The Respondent did not feel that he could continue to live in the Property. He left on 8th May 2025 and notified the Respondent by WhatsApp. He said that he wanted his rent for April and May 2025. The Tribunal noted that he had occupied the Property for the period 1st April – 8th May 2025. The Applicant had not taken any action to intimate to the Respondent his frustration at the tenancy issues not being resolved. The Tribunal did not consider that it could make an award for compensation without further information and evidence. The Applicant said that he was content to have the Tribunal focus upon the return of the deposit and the overpayment of rent plus the conjoined case. The Tribunal was satisfied that the Applicant had paid his rent for May 2025 in good faith and should be returned this amount of money which totalled £733.30. This taking the daily rate of the tenancy to be £32.71 and multiplying it by the unoccupied number of days which is 22 days. The Applicant said that he is content with this amount.
7. The Tribunal was satisfied that the outstanding amount for £1728.30 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 1st April 2025.
9. The Applicant paid a deposit of £995 and rent for April of £995 on 31st March 2025. The Applicant paid £995 on 1st May 2025
10. The Respondent has not paid the Applicant his deposit back. It is not within an approved deposit scheme.

11. The Applicant is due the rent payment for 9th May – 31st May 2025 and his deposit. This totals £1728.30.
12. The Respondent has not made any representations as to why this money has not been paid to the Applicant.

Decision

13. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £1728.30.

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.

Gabrielle Miller

Legal Member/Chair

Date: 27th November 2025