



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/25/3017

Re: Property at 0/2 240 Wallace Street, Glasgow, G5 8AS ("the Property")

Parties:

Mr Muhammad Bin Riaz, 2507 Dumbarton Road, Glasgow ("the Applicant")

Mr Mazhar Hussain, 89 Holmhill Road, Glasgow, G72 8EL ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 11 February 2026, the Applicant was present. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the First Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that –

Background

The Tribunal noted the following background:-

- i. The Respondent leased the Property to the Applicant in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 14 August 2024.
- ii. The deposit paid in terms of the PRT was agreed to be £500.
- iii. The Applicant vacated the Property on 2 April 2025.
- iv. The Applicant had not received return of his deposit.

The CMD

At the CMD the Applicant made the following representations in response to questions from the Tribunal:-

- i. The Applicant paid the deposit to the Respondent partly by a payment by him of £300 and partly by a payment by a friend on his behalf for the balance of £200. The Applicant was new to the country and had no account. He subsequently paid back his friend.
- ii. The Applicant received no receipt or other email from any tenancy deposit scheme following payment of the deposit. At that time the Applicant was not aware that a deposit had to be paid into an approved scheme.
- iii. The pages of the PRT produced is all that he was given by the Applicant.
- iv. The Applicant vacated the property as the Respondent told him a month previously that he needed to let the Property to others.
- v. The Applicant has contacted the Respondent about the return of his deposit but has had no response.

The Tribunal referred to the Applicant also seeking a penalty of 3 times the deposit but advised that (a) such a claim had to be made on a different application form and (b) by the time the Applicant submitted the instant application on 11 July 2025 any claim for payment of a penalty had become time-barred, being more than 3 months from the end of the PRT. The Applicant accepted the position in that regard.

Findings in Fact

- i. The Respondent leased the Property to the Applicant in terms of the PRT that commenced on 14 August 2024.
- ii. The deposit paid in terms of the PRT was £500 and was paid by the Applicant.
- iii. The Applicant vacated the Property on 2 April 2025.
- iv. The Applicant had not received return of his deposit.
- v. The deposit was not paid into an approved scheme as required by the Tenancy Deposit Schemes (Scotland) Regulations 2011.
- vi. The Applicant has asked the Respondent for the return of the deposit. He has had no reply.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally at the CMD was not challenged and was accepted by the Tribunal. The Tribunal determined that an order should be made for the return of the deposit, the Respondent not having complied with the 2011 Regulations.

Decision

The Tribunal granted a payment order against the Respondent in favour of the Applicant in a sum of £500.00.

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.

Gillian Buchanan

Legal Member/Chair

11 February 2026
Date