

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 and Rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017

Chamber Ref: FTS/HPC/PR/26/2557

Re: Property at Flat 3/2, 73 Port Dundas Road, Glasgow, G4 0HF (“the Property”)

Parties:

Mr Matthew MacPhail and Mr Ioan Jones, Flat 3/2, 73 Port Dundas Road, Glasgow, G4 0HF (“the Applicants”) and

Miss Jillian Gunn, 2 Wardie Road, Edinburgh, EH5 3QS (“the Respondent”)

Tribunal Member:

G McWilliams- Legal Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to dismiss the Application in terms of Rule 27 (2) (b) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”)

Background, Case Management Discussion and Reasons for Decision

- 1. This Application has been made in terms of Rule 103 (Application for order for payment where landlord has failed to carry out duties in relation to tenancy deposits) of the First-Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”) and Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the 2011 Regulations”).**
- 2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 2pm on 1st October 2026. The Applicants, Mr MacPhail and Mr Jones, did not attend and were not represented. The Respondent, Miss Gunn, attended. The Tribunal noted that the details of the CMD had been sent by email to each of the Applicants on 4th September 2026.**

3. Miss Gunn referred to the email she had sent to the Tribunal's office on 22nd August 2026. She said that she had understood from her letting agent that the Applicants' deposit was in the sum of £1100.00. Miss Gunn agreed with the Tribunal's calculation that that sum, paid to Safe Deposits Scotland ("SDS") on 19th May 2026, was one day late in terms of the 2011 Regulations, when account is taken of weekend days and holidays. She stated that she paid the additional amount of £100.00 to SDS as soon as she discovered that the deposit paid was £1200.00. Miss Gunn said that the Applicants are continuing as tenants in the Property and that she understands that she has a good relationship with them.
4. Rule 27 (2) (b) of the 2017 Rules provides that the Tribunal may dismiss the whole or part of the proceedings if the Applicants have failed to co-operate with the Tribunal to the extent that the Tribunal cannot deal with the proceedings justly and fairly.
5. The Applicants did not attend at the CMD today. They did not make any contact with the Tribunal's office in advance of the CMD to intimate that they would, or could, not attend. In the circumstances the Tribunal decided that the Applicants have not co-operated with the Tribunal to the extent that they cannot deal with the Application justly and fairly. Accordingly, the Tribunal has determined to dismiss the Application in terms of Rule 27 (2) (b) of the 2017 Rules.

Outcome

6. The Tribunal dismisses the Application.

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.

G McWilliams Tribunal Legal Member

Date: 1st October 2026

