



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/21/0279

Re: Property at 39 Queens Square, Glasgow, G41 2BD (“the Property”)

Parties:

Mr Fraser Jamieson, Dyke of Lornie, Errol, Perth and Kinrosshire, PH2 7TQ (“the Applicant”)

Mr John MacPherson, 39 Queen Square, Glasgow, G41 2BD (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs E Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that no order should be granted in this case.

1. By application received in the period between 4th February and 10th March 2021 and made under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £320 in respect of an unreturned tenancy deposit. The Applicant lodged copy bank statements.
2. At a Case Management Discussion on 29th April 2021, it was agreed by parties that enquiries should be made as to whether the tenancy deposit could be lodged retrospectively with an approved tenancy deposit scheme to allow adjudication on the return of the deposit. Parties agreed that, if this was possible, it may be the best outcome for the case if an order was made in the conjoined case between the same parties FTS/HPC/PR/21/0131 to lodge the tenancy deposit with an approved tenancy deposit scheme. This would avoid the need to hear evidence in this present case.

3. Subsequent enquiries established that it was possible to lodge the tenancy deposit retrospectively with an approved tenancy deposit scheme to allow adjudication on the return of the deposit.
4. Following an evidential hearing in the case, FTS/HPC/PR/21/0131, on 1st June 2021, an order was made to lodge the deposit with an approved tenancy deposit scheme to allow adjudication on the return of the deposit.
5. Consequently, the Tribunal decided to make no order in this case. The decision was unanimous.

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.

H Forbes

Legal Member/Chair

4th June 2021
Date