



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/0160

Re: Property at 25 Columbia Avenue, Howden, Livingston, EH54 6PR (“the Property”)

Parties:

Mrs Adenike Ogunsanwo, 95 Leven Walk, Craigshill, Livingston, EH54 5AN (“the Applicant”)

Mr Kevin Duffy, 8 Daisyhill Road, Blackburn, Bathgate, EH47 7EN (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make no order and the application was dismissed.

Background

- 1 By application dated 17 January 2021 the Applicant sought recovery of their tenancy deposit from the Respondent in the sum of £700.
- 2 By Notice of Acceptance of Application the Legal Member of the Tribunal, with delegated powers from the Chamber President, determined that there were no grounds to reject the application. A Case Management Discussion was therefore assigned for 9 April 2021, to take place by teleconference due to the ongoing restrictions arising from the Covid-19 pandemic. The application paperwork together with notification of the date, time and instructions on how to join the case conference was served upon the Respondent by Sheriff Officers on 10 March 2021.

- 3 On 5 April 2021 the Applicant contacted the Tribunal to advise that the Respondent had offered to repay the tenancy deposit in the sum of £700 and that payment had been received.

The Case Management Discussion

- 4 The Case Management Discussion took place on 9 April 2021. The Applicant was present. The Respondent was not in attendance. The Applicant confirmed that she had received payment of the deposit from the Respondent and she was content that no further action was required.

Findings in Fact

- 5 The Applicant and Respondent entered into a tenancy agreement for the property at 25 Columbia Avenue, Howden, Livingston which commenced on 1 February 2020.
- 6 On or around the date of commencement of the tenancy the Applicant made payment to the Respondent of a tenancy deposit in the sum of £700.
- 7 The Respondent has repaid the deposit to the Applicant in full.

Reasons for Decision

- 8 The Tribunal was satisfied that it could make a determination of the application at the Case Management Discussion and that to do so would not be detrimental to the parties.
- 9 The Tribunal noted that payment of the sum sought by the Applicant had now been repaid by the Respondent in satisfaction of his obligations under the tenancy agreement between the parties. On that basis the Tribunal determined to make no order and the application was dismissed.

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.

9 April 2021

Legal Member/Chair _____

Date

