



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/CV/22/4063

Re: Property at 0/2, 124 Deanston Drive, Glasgow, G41 3LQ (“the Property”)

Parties:

Miss Anna Ferrara, 14 Glendore Street, 3/1, Glasgow, G14 9RU (“the Applicant”)

Sintic Developments, C/O Sintic Developments, 10 Loadbank Quadrant, Glasgow, G51 3HZ (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Application be refused.

Background

1. By application dated between 9 November 2022 and 2 December 2022 (“the Application”), the Applicant applied to the Tribunal for an Order for payment in terms of Section 71 of the Act. The Application comprised a copy of a tenancy agreement between the Parties with an entry date of 20 March 2019, copy bank statements showing that a tenancy deposit of £725.00 had been paid by the Applicant prior to the tenancy start date and a further deposit of £187.00 had been paid on 10 September 2020. The Application sought payment of the second deposit of £187.00. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 16 February 2023 at 14.00 by telephone conference. The CMD was intimated to the Parties.
2. Prior to the CMD, Mr. Davd Sinclair of the Respondent wrote to the Tribunal by email explaining that the initial deposit of £725.00 had been lodged with an approved scheme as required by the Housing (Scotland) Act 2006 but the second deposit of £187.00 had not. He stated that the sum of £187.00 had been held by the Respondent after the end

of the tenancy as an administrative oversight and had now been refunded to the Applicant.

Case Management Discussion

3. The CMD took place on 16 February 2023 at 14.00 by telephone conference. The Applicant took part and was not represented. The Respondent did not take part and was not represented.
4. The Applicant confirmed that the tenancy had commenced in March 2019, that an initial deposit of £725.00 had been paid prior to the tenancy start date and that, at the request of the Respondent, a further deposit of £187.00 had been paid on 10 September 2020. The initial deposit had been held by an approved scheme and had since been returned following the end of the tenancy. The Applicant confirmed that the second deposit was returned to her last week.
5. The Applicant confirmed that no further sums are due to her from the Respondent.

Findings in Fact

6. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There had been a tenancy of the Property between the Parties which began on 20 March 2019 and ended on or around 18 July 2022;
 - ii) Tenancy deposits of £725.00 and £187.00 were paid by the Applicant to the Respondent;
 - iii) The tenancy deposit of £725.00 was repaid to the Applicant by the approved scheme;
 - iv) The tenancy deposit of £187.00 has since been repaid to the Applicant by Respondent and
 - v) No further sums are due by the Respondent to the Applicant.

Decision and Reasons for Decision

7. Having found that no sums are due by the Respondent to the Applicant, the Tribunal having regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision", refused 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.



16 February 2023

Legal Member/Chair

Date