

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 Regulation 10 of the Tenancy Deposit
Schemes (Scotland) Regulations 2011**

Chamber Ref: FTS/HPC/PR/19/2494

Re: Property at 95D Templehill, Troon, KA10 7LZ ("the Property")

Parties:

Mr Ian Gemmell, 6 Mackie Close, Troon, KA10 7LZ ("the Applicant")

Mr Sorn Wilson, Whereabouts are Unknown ("the Respondent")

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment of the sum of £1800 by the Respondent to the Applicant should be made.

Background

The Applicant was a tenant and the Respondent the landlord under a short assured tenancy agreement in respect of the Property dated 7 April 2017.

The Case Management Discussion

A Case Management Discussion took place at Russell House, Ayr on 25 November 2019. The Applicant was in attendance. The Respondent was neither present nor represented.

Findings in Fact

The Applicant was a joint tenant and the Respondent the landlord under a short assured tenancy agreement in respect of the Property dated 7 April 2017.

The second joint tenant and the Applicant have agreed that the Applicant shall have the sole right to pursue the current application.

The Applicant paid the Respondent the sum of £825 as a deposit at the beginning of the tenancy.

On or around 7 June 2019 the tenancy came to an end.

The Respondent has ignored all contact from the Applicant since that time.

The deposit has not been returned by the Respondent.

The deposit has not been placed in an approved scheme.

Reasons for Decision

The Respondent was under a duty in terms of Regulation 3 of the 2011 Regulations to place the deposit in an approved scheme. The deposit has not been placed in an approved scheme. The deposit has not been returned. The Respondent has offered no explanation for this. The Respondent has not engaged with the Applicant or with the Tribunal. The Applicant advises that the failure to return the deposit has caused him to fall into debt.

Decision

An order for payment of the sum of £1800 by the Respondent to the Applicant should be made.

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.

John McHugh
John McHugh, Legal Member/Chair

25 November 2019

Date