

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) in terms of the Housing (Scotland) Act 2006 section 121 and the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/18/0122

Re: Property at 41 Middlefield Place, Aberdeen, AB24 4PN ("the Property")

Parties:

Miss Julia Callander, Ground Floor Right, 145 Bon Accord Street, Aberdeen, AB11 6XE ("the Applicant")

Miss Lynsay Borthwick, 41 Middlefield Place, Aberdeen, AB24 4PN ("the Respondent")

Tribunal Member:

Valerie Bremner (Legal Member)

Decision and Statement of Reasons

The Tribunal dismissed this Application.

Reasons

The Tribunal having considered the matter of the nature of the tenancy between the parties between June and November 2017 noted that it was agreed between parties that a deposit of £400 was paid by the Tenant (Applicant) to the Landlord (Respondent). It was also agreed that the landlord (Respondent) lived in the property at 41 Middlefield Place Aberdeen, AB24 4PN throughout the tenancy along with the tenant (Applicant) and that this was her home and as such her only residence. The landlord (Respondent) continues to live at this address.

Accordingly in terms of regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 and section 83(6) of the Antisocial Behaviour (Scotland) Act 2004 this was not a relevant tenancy which would require a

deposit to be paid into a tenancy deposit scheme. The application therefore falls to be 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.

Valerie Bremner

March 16th 2018

Legal Member

Date