



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Regulation 9 of the Tenancy Deposit
Schemes (Scotland) Regulations 2011**

Chamber Ref: FTS/HPC/PR/19/0184

**Re: Property at 5 Morar Place, Castlepark, Irvine, Ayrshire, KA12 9PS (“the
Property”)**

Parties:

Miss Charlene Hill, 2D Parterre, Irvine, KA12 0DA (“the Applicant”)

**Easton Property Merkland Limited, 2 Newfield Drive, Dundonald, Ayrshire, KA2
9EW (“the Respondent”)**

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Applicant)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 103 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the deposit in relation to a tenancy for the Property.
2. The application contained,
 - (a) Receipt for payment of the deposit
3. The Applicant did not attend the case management discussion. The Respondent, Kenneth Easton attended the case management discussion together with Lyn Thomson administrator, Easton Property.

4. Written representations dated 24 April 2019 had been received from the Respondent prior to the hearing advising that the landlord was "Easton Property Merkland Limited", and that the deposit had been lodged with safe Deposits Scotland on 9 October 2018 and that it was held there pending repayment; and enclosing a copy of Deposit Summary from Safe Deposit Scotland.

The Case Management Discussion and Reason for Decision.

5. I agreed to amend the name of the Respondent in this case to Easton Property Merkland Limited.
6. As the Applicant did not appear in respect of her application, and as I was unaware of any reason for her absence, I consider that I should dismiss the case in terms of rule 27 of the 2017 Rules, as I consider that the Applicant's failure to appear at the case management discussion means that I cannot deal with the proceedings justly or fairly.

Decision

7. The application is 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.

Melanie Barbour

Legal Member/Chair

29. 4. 19

Date