

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 9 of the Tenancy Deposit Schemes (Scotland) regulations 2011 (Regulations)

Chamber Ref: FTS/HPC/PR/18/1556

Re: Property at Flat 6, 15 Main Street, Glasgow, G40 1QA (“the Property”)

Parties:

Mr Fabio Gomes, Ms Joanna Goluchowska, Rua das Oliveiras N96 4A, Vila Nova de Gaia, Portugal (“the Applicant”)

Mr Russell Hyslop, 20 Peters Gate, Bearsden, Glasgow, G61 3RY (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Applicant)

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

Background

This is an Application under Regulation 9 for repayment of a deposit and for an award against the Respondent in respect of alleged failure to protect a tenancy deposit.

The Tribunal had regard to the following documents:

1. Application dated 17 June 2018;
2. Tenancy Agreement dated 6 January 2018;
3. Evidence supporting application including texts;
4. Evidence of end date of tenancy.

Case Management Discussion (CMD)

A Strain

The case called for a CMD on 26 October. The Applicant did not appear and was not represented. The Respondent appeared in person.

The Tribunal was satisfied that service of the notification of the CMD had been made upon the Applicant by letter of 9 October. The notification advised the Applicant that the matter could be determined in absence and that the Tribunal could make a decision if satisfied it had sufficient information and it was fair to do so.

Having considered the papers, the non-appearance of the Applicant, the overriding objective and the interests of justice, the Tribunal decided to dismiss the case. The Tribunal had sufficient information and considered it fair to do so.

The case is accordingly 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.

A Strain

Legal Member/Chair

26 OCTOBER 2018.

Date