



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/PR/18/1478**

**Re: Property at Flat 1/1, 6 Jura Street, Glasgow, G52 1DW (“the Property”)**

**Parties:**

**Miss Charlotte Worrall, Mr Lewis Jennings, 1 Windsor Crescent, Paisley, PA1  
3SQ (“the Applicant”)**

**Mr Andrew McMenamin, 7 Hogan Way, Motherwell, ML1 5TR (“the  
Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

**Decision**

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

**BACKGROUND**

1. The Parties entered in to a tenancy agreement dated 1<sup>st</sup> October 2011 in relation to the Property;
2. The Applicants made payment of a tenancy deposit in the sum of £675;
3. The tenancy ended on 12<sup>th</sup> March 2018. On that date the Applicants vacated the property and returned the keys to a representative of the Respondent;
4. The tenancy deposit was not returned to the Applicants;
5. Enquiry by the Applicants revealed that it had not been lodged with an approved tenancy deposit scheme;
6. The Applicants made application to the Tribunal for an order for payment in terms of Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the TDS Rules”) on the basis the Respondent had not lodged the deposit funds with an approved tenancy deposit scheme;
7. The application to the Tribunal was received on 14<sup>th</sup> June 2018;

**THE CASE MANAGEMENT DISCUSSION**

8. The Applicants both attended the Case Management Discussion.

9. The Respondent failed to attend. The Tribunal being satisfied that the requirements of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Rules") had been complied with and the Respondent had been given due notice of the Case Management Discussion, proceeded with the Case Management Discussion as authorised by Rule 29 of the FTT Rules.

## **FINDINGS IN FACT**

10. The Tribunal made the following findings in fact:-
- a) By lease dated 1<sup>st</sup> October 2011 the Applicants let the Property from the Respondent;
  - b) The Applicants made payment of a tenancy deposit in the sum of £675.00;
  - c) The tenancy deposit funds were not lodged with an approved tenancy deposit scheme;
  - d) The tenancy ended on 12<sup>th</sup> March 2018;
  - e) The application to the tribunal was received on 14<sup>th</sup> June 2018;

## **REASONS FOR DECISION**

11. In terms of Regulation 9(2) of the TDS Rules, any application in terms of that rule must be made no later than 3 months after the tenancy has ended.
12. The Tenancy ended on 12<sup>th</sup> March 2018. The application was made on 14<sup>th</sup> June 2018.
13. In the circumstances the application was not made within 3 months of the termination of the tenancy and, accordingly, it was not competent for the Tribunal to consider it.

## **DECISION**

The Tribunal dismisses the application in terms of Rule 27(1) of the FTT Rules on the basis that the Tribunal does not have jurisdiction in relation to the proceedings having regard to the fact that the application was not made within 3 months of the date of termination of the tenancy.

## **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.**

Virgil Crawford

**21 September 2018**