



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/PR/19/2500

Re: Property at 5/9 Parkside Street, Edinburgh, EH8 9RL (“the Property”)

Parties:

Ms Emma Schweidler, 100 Spring Gardens, Edinburgh, EH8 8HT (“the Applicant”)

Ms Sara Jazgar, 83/6 Newhaven Road, Edinburgh, EH6 5QQ (“the Respondent”)

Tribunal Members:

Mark Thorley (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 £250 (Two Hundred and Fifty Pounds) be made.

The Applicant applied to the First-tier Tribunal under Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 and under Tribunal Rule 103.

Along with the application was enclosed a copy of the Tenancy Agreement which in itself was created by way of a series of emails including one from the Respondent confirming the details of the rental.

No written representations had been received from the Respondent.

Service of the proceedings upon the Respondent had taken place on 26 September 2019.

MT

Case Management Hearing

The Applicant was at the hearing

The Respondent did not attend at the hearing and there were no written representations.

Findings in Fact

1. That the Applicant occupied the premises at 5/9 Parkside Street, Edinburgh EH8 9RL in accordance with an agreement with the Respondent concluded on 30 November 2018.
2. That the rental for the room was the sum of £530 payable per calendar month.
3. That the Applicant made a deposit of the sum of £250.
4. That deposit was not placed in a tenancy deposit scheme.
5. The tenancy ended on 5 July 2019 and the agreed amount of tenancy deposit was returned in the sum of £142.45.
6. The tenancy deposit was not protected throughout the period of the tenancy.

Reasons for decision

The Applicant attended at the hearing. The Respondent failed to do so. There was sufficient supporting documentation already lodged by the Application which she spoke to.

The Applicant confirmed that she had taken occupation of a room in the tenancy from 18 December 2018.. She paid rent of £530 per month. She paid a deposit of £250. At the end of the tenancy (5 July 2019) she had agreed with the Respondent that the sum of £142.45 would be returned taking into account some rent that remained outstanding. That was returned.

The Applicant however was able to identify and confirm in writing that the deposit had never been paid into a secure deposit scheme.

The rooms in the property were being rented out to four different people.

In looking at the order to be made there was a balance. On the one hand the tenancy deposit had not been placed in a tenancy deposit scheme throughout the period of the tenancy (approximately seven months). At the same time the deposit was returned on the day of the conclusion of the tenancy in an agreed sum.

Taking all these factors into account an order for payment of £250 (being the deposit) was made.

Decision

An order for payment of the sum of £250.

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.

M.Thorley

Legal Member/Chair

29th October 2019

Date