



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/21/1936

Re: 36 Seafield Road, Apartment A, Dundee DD1 4NP ("Property")

Parties:

Marie Lepetit, 17 Rue des Vendanges, 665701 Saint-Nazaire, France ("Applicant")

Yik Chung, 8 Glenfeshie Street, Broughty Ferry DD5 3XE ("Respondent")

Tribunal Members :

Joan Devine (Legal Member)

Decision :

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to dismiss the Application.

Background

1. The Applicant made an application in Form G ("Application") under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("Rules"). The Application as originally drafted was submitted on 11 August 2021. The Application (as amended) was submitted on 8 September 2021 ("Application").
2. The documents produced to the Tribunal by the Applicant were:
 - three forms of tenancy agreement, one dated 8 October 2020 and stated to be for the period 8.1.20 to 8.3.21; one dated 1 April 2021 and stated to be for the period 7.4.21 to 7.6.21 and one dated 4 June 2021 and stated to be for the period 7.6.21 to 7.7.21 ;
 - email from Letting Protection dated 2 September 2021 saying that they were not currently protecting and had never protected a deposit for the Applicant at the Property; email from Safe Deposits Scotland dated 2 September 2021 saying that they were unable to locate a deposit on their system for the Applicant at the Property; email dated 5 September

2021 from My Deposits saying that they were unable to find a protection for the Applicant at the Property;

- screenshots of payments from Revolute Bank

Case Management Discussions

3. A Case Management Discussion (“CMD”) took place on 23 February 2022. The Respondent was in attendance. The Applicant was not in attendance. Reference is made to the Note of that CMD. A continued CMD was fixed for 22 April 2022 and a Direction was issued. Reference is made to the terms of that Direction. The Applicant did not respond to the Direction. At the continued CMD the Respondent was in attendance. There was no appearance by the Applicant.

Reasons for the Decision

4. The Tribunal noted that the Applicant had not attended the CMD on 23 February or 22 April 2022. The Applicant had not responded to the Direction issued in which she was directed to state whether she was insisting on the Application and to clarify the remedy sought. The Applicant appeared to be no longer insisting on the Application.

Decision

The Tribunal determined to dismiss the Application.

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.

J Devine

Legal Member

Date : 22 April 2022