



**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/20/1921

Re: Property at 50 Westend Drive, Bellshill, ML4 3AS (“the Property”)

Parties:

Mrs Jessica Walker, 49 Cairnlea Gardens, Bellshill, ML4 2JT (“the Applicant”)

**Mr David C Gemmell, 41 Kenilworth Crescent, Bellshill, ML4 3EQ (“the
Respondent”)**

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent and the Applicant)

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

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 against the respondent failure to lodge a tenancy deposit.
2. The application contained:-
 - A bank statement.
3. Notice of the Hearing had been served on the respondent by sheriff officers on 22 December 2020.
4. A Notice of Direction had been issued to the Applicant. It had not been complied with. It also appeared that there was a duplicate rule 103 application before the tribunal involving the same parties, same property and same deposit. The applicant had been asked if she wished to withdraw this

application (reference PR/20/1921) given that it appeared to be a duplicate application. She had failed to contact the tribunal to advise if she wished to withdraw the application.

5. There was no appearance by either party at today's case management discussion.
6. In terms of Rule 27(2) of the Tribunal Rules 2017 as no party appeared, I dismissed the applicant's 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.

Melanie Barbour

10 February 2021

Legal Member/Chair

Date