



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/25/0314

Re: 8/2 Wheatfield Street, Edinburgh EH11 2NY (“the Property”)

Parties:

Brian Andrews, 23/7 Burnbrae Place, Edinburgh EH12 8AR (“Applicant”)

Sakina Tumi, 160 Hydethorpe Road, London SW12 OJD and Samoa Imut Limited, 49 Habbieauld Road, Kilmaurs, Kilmarnock KA3 2QE (“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 for want of insistence.

Background and Documents Lodged

1. The Applicant made an application in Form G ("Application") dated 10 January 2025 under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("Rules") stating that the Respondent had failed to timeously lodge a tenancy deposit in an appropriate scheme in breach of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("2011 Regulations"). The documents produced to the Tribunal by the Applicant were a tenancy agreement between the Applicant and the Respondent which commenced on 7 June 2024 and a certificate from Safe Deposits Scotland (“SDS”) which indicated that the deposit was protected by them with effect from 30 August 2024. The Applicant told Tribunal Administration that the tenancy ended on 6 December 2024.
2. A Case Management Discussion (“CMD”) was fixed for 15 July 2025. On 25 April 2025 the Respondent lodged a written representation in which she stated that the deposit had been sent to SDS on 8 June 2024 but had failed to properly upload. She stated that when she received notification of this she rectified the

matter. The Applicant failed to attend the CMD on 15 July 2025. The CMD was continued to 17 October 2025.

Case Management Discussion

3. A CMD was scheduled to take place on 17 October 2025 by conference call. Notification of the date was sent to both Parties on 9 September 2025. Neither the Applicant or the Respondent attended the CMD.

Reasons for the Decision

4. The Applicant did not attend the CMD that took place on 15 July 2025 or the CMD scheduled for 17 October 2025. The Tribunal considered that the lack of attendance at the CMDs indicated that the Applicant is no longer insisting upon the application.

Decision

5. The Tribunal determined to dismiss the application for want of insistence.

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.

**Joan Devine
Legal Member**

Date: 17 October 2025