



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing Tenancies
(Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/26/0129

**Property at 27 Spencer Court, 36 Froghall Terrace, Aberdeen, AB24 3PF (“the
Property”)**

Parties:

**Mr Joao Franciscico Ferreira Lourenco, 485 A George Street, Aberdeen, AB25
3YB (“the Applicant”)**

**Mr Fraser Mitchell, 41 Polo Park, Stoneywood, Aberdeen, AB21 9JW (“the
Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that and order for payment of the sum of £415 should be
granted against the Respondent. The Tribunal also granted a time to pay
direction stipulating that the sum is to be paid one month from the date that the
tribunal order is issued.**

Background

1. The Applicant seeks a payment order in relation to a tenancy deposit which was not returned at the end of the tenancy. The Applicant stated that he was not given a tenancy agreement but had paid a deposit of £415 at the start of the tenancy on 9 November 2026
2. A copy of the application was served on the Respondent, and the parties were notified that a case management discussion would take place on 2 July 2026 at 10am.
3. Prior to the CMD, the Respondent submitted an application for a time to pay direction (TTPA) in terms of Section 1 of the Debtors (Scotland) Act 1987. He

admitted the debt and offered to pay the sum claimed in a lump sum within one month of the date that the order is issued. He did not provide any information about his income, outgoings or assets and liabilities. The TTPA was sent to the Applicant who responded, confirming that he accepted the offer to pay.

4. The CMD took place on 2 July 2026. The Applicant participated. The Respondent did not participate and was not represented. A related application under case reference PR/26/0133 was also discussed.

Summary of discussion at CMD

5. The Applicant confirmed that he was content to accept the offer made in the TTPA. He told the Legal Member that he had found the property for rent on SpareRoom.Com. It is a two bedroom flat and there was another tenant living at the property with him. He only stayed until the end of December because there were issues with the other tenant and the condition of the property. He contacted the Respondent about the return of the deposit at the end of the tenancy, but he refused to return it. In response to further questions, the Applicant confirmed that the Respondent is of retirement age. He told the Applicant that he had been a plumbing engineer. He made reference to owing other rental properties. He did not offer the Applicant a tenancy agreement. The failure to return the deposit had been stressful and the Applicant had incurred overdraft charges. The Applicant said that he regretted how things ended with the Respondent as they had initially got on well. The Applicant had recently lost a family member to cancer and the Respondent told him that he had been treated for cancer.

Reasons for the decision

6. Based on the documents lodged, the information provided at the CMD and the fact that the debt is admitted, the Legal Member is satisfied that an order for payment should be made. The Respondent failed to fully complete the TTPA. He did not provide any information about income, outgoings, assets and liabilities. As a result, it was not possible for the Legal Member to consider some of the factors set out in section 1A of the 1987 Act. However, as the Respondent proposes to make payment within one month of the order being issued, and the Applicant is agreeable to the proposal, the Legal Member is satisfied that the TTPA application should be granted.

Decision

7. The Tribunal granted the application for a payment order and made a time to pay direction

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.

Josephine Bonnar, Legal Member

2 July 2026