Housing and Property Chamber
First-tier Tribunal for Scotland

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

Chamber Ref: FTS/HPC/CV/25/4952

Re: Property at 31 Balephetrish, Isle of Tiree, PA77 6UY ("the Property")

Parties:

Mr Richard Hawley, 5 Rudha Cottage, Scarinish, Isle of Tiree, Argyll and Bute, PA77 6UH ("the Applicant")

Mrs Ulrike Rawson, 30 Balephetrish, Isle of Tiree, PA77 6UY ("the Respondent")

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Applicant is entitled to an order for payment for £480 (FOUR HUNDRED AND EIGTHY POUNDS).

Background

1. An application was received by the Housing and Property Chamber dated 18th November 2025. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Regulations"). The application was based on the Respondent not returning the Applicant's deposit.

2. On 19th August 2025, all parties were written to with the date for the Case Management Discussion ("CMD") of 2nd October 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 9th September 2026.

3. On 3rd September 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by personal service. This was evidenced by Certificate of Intimation dated 3rd September 2026.

4. On 13th September 2026, the Housing and Property Chamber received a letter from the Respondent dated 3rd September 2026. In this letter the Respondent stated that she would not attend the CMD because she considered the claim a waste of time. She disputed that the contract that he signed with her was illegal. It stated that the Respondent agreed to pay two months of the rent as a deposit but that he had not paid the rent of August, she stated that he had only paid half of what he had agreed.

5. This case is conjoined with FTS/HPC/PR/25/4955.

The Case Management Discussion

6. A CMD was held 2nd October 2026 at 2pm by teleconferencing. The Applicant was not present but was represented by Mr David Davidson, General Adviser, Argyll and Bute Citizens Advice Bureau. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD except for the short later dated 3rd September 2026.

7. The Tribunal explained the purpose of the CMD, the overriding objective of the Tribunal and the powers available to the Tribunal to determine matters

8. Mr Davidson said that he was seeking an order for £480. The Applicant paid the Respondent a deposit of £960. This was paid at the start of the tenancy. This has not been lodged in an approved scheme and has not been returned to the Applicant. The Respondent is of the view that she is entitled to two months notice as per the lease which was signed, not the 28 days dictated by statute. Mr Davidson said that this is not correct as the Applicant only needs to give 28 days notice. The Tribunal agreed that the lease issued was not a legally correct lease. Since 1st December 2017 the Private Residential Tenancy ("PRT") has been in place. However, under section 3 of the Act it is not a requirement for the PRT to be written. This means that the lease reverts back to a PRT. The notice period for the Applicant under a PRT is 28 days. This means that the Applicant could have paid until 21st August 2026. However, the Applicant was willing to pay to the end of August and is seeking only half of his deposit back (£460) to pay to the end of August as he did not make a payment for August 2025.

9. The Tribunal does not accept the Respondent's position that there requires to be two months notice. This is a PRT. The Applicant has a legal requirement to provide 28 days notice. With the concession by the Applicant, the Tribunal finds that the Applicant is entitled to half of his deposit back which is £460. The Tribunal notes that the deposit should have been lodged in an approved deposit scheme within 30 working days from the start of the tenancy. Had this been done the deposit scheme would have arbitrated this situation.

10. The Tribunal was satisfied that the outstanding amount for £480 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 24th February 2025. This is an unwritten lease as the lease provided was not a legally accurate lease causing Section 3 of the Act to be relevant.

12. A deposit of £960 was paid 24th February 2026 by cheque.

13. The deposit was not lodged within an approved deposit scheme within 30 days from the start of the tenancy or at any other point.

14. On 24th July 2025 the Applicant gave notice to the Respondent that he was to leave the Property. He required 28 days notice to the Respondent. He could have agreed to pay only until 21st August 2025. He was willing to pay until the end of August 2025.

15. The Respondent has refused to return the deposit as she stated that there requires to be two months notice. This is not correct position as a PRT requires the tenant to provide 28 days notice. The deposit should have been returned.

16. The Applicant did not pay the final month of the rent for the tenancy. It is appropriate that this is paid from the deposit. The deposit was for two months rent charge. The Applicant is due £460 from the Respondent for the other half of the deposit.

17. The Respondent has failed to return the deposit to the Applicant at the end of the tenancy.

Decision

18. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £460.

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.

Gabrielle Miller

2nd October 2026

Legal Member/Chair **Date**