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 16 of the Housing (Scotland) Act 2014

Chamber Ref : FTS/HPC/PR/25/5019

Re: Property at Flat 1,15 Albert street Meadowside, Dundee, DD1 1DJ ("the Property")

Parties:

Miss Onyinyechukwu Ekwelum, 11 Ann Street, Dundee, DD3 7TB ("the Applicant")

Ms Sonia Izquierdo-Tolosa, Flat 1,15 Albert Square, Meadowside, Dundee, DD1 1DJ ("the Respondent")

Tribunal Member:

Hilary Macandrew (Legal Member)

1) Background

1.1 The Applicant has submitted two applications, firstly an application for a payment order in terms of rule 111 **FTS/HPC/CV/4295** (Application for civil proceedings in relation to a private residential tenancy) of the First Tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 ("the 2017 rules") and secondly an application in terms of rule 103 **FTS/HPC/PR/25/5019** (Application for order for payment where landlord has failed to carry out duties in relation to tenancy deposits) of the 2017 rules and Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the 2011 regulations").

1.2 A Case Management Discussion (CMD) took place by telephone conference call on 12 May 2026. The Applicant and the Respondent attended.

1.3 At the CMD the Applicant referred to her application papers. The Respondent referred to emails which she had sent to the Tribunal's office on 10 April 2026 and were part of the case papers. The Respondent stated that the payments made by the Applicant in July and August 2025 totalling £810 in respect of the

Applicant's rental of the room in the property were transferred by her to the landlord of the property, Mr Dean Scott. She stated that she does not have an address for Mr Scott and liaises with him via social media messaging. The Applicant acknowledged that Mr Scott was the landlord in respect of her rental of the room in the property. She referred to copy messages with the Respondent which she had submitted with her applications, and which were with the case papers. She said that she had requested the landlord's telephone number or email address but had not been given these details.

1.4 The Tribunal offered the Applicant and the Respondent the opportunity of having a direct discussion with a view to trying to resolve matters. Given their communication difficulties they did not have such a discussion.

1.5 The outcome of the CMD was that the Tribunal decided it was fair and just to adjourn the CMD and have another CMD scheduled to take place on a future suitable date. The purpose of the adjournment was to give time to the Applicant to trace Mr Scott's contact postal address and to amend her application to remove the Respondent as Respondent and substitute Mr Scott as Respondent. The Tribunal requested that the Applicant provides the Tribunal's office with Mr Scott's postal address and makes the necessary amendments to her application at least six weeks before the date of the next CMD.

2) Adjourned Case Management Discussion

2.1 The adjourned CMD (ACMD) took place on 21 October 2026 by telephone conference call. The Applicant did not take part nor was represented. The Respondent took part. The start of the ACMD was delayed by five minutes to give the Applicant an opportunity to take part. Intimation had been given by the Tribunal to both the Applicant and the Respondent of the ACMD.

2.2 Given that the Applicant was not present nor represented to pursue her application, the Tribunal dismissed the applicant for want of insistence.

Decision

The Tribunal dismissed the application through lack of insistence given the Applicant was neither present nor represented.

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.

Hilary Macandrew

21st October 2026

Legal Member/Chair **Date**