

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/PR/22/3215

Re: Property at 28 Simpson Loan, Flat 28, Edinburgh, EH3 9GG (“the Property”)

Parties:

Mr Gerard McKenna, 9 Pearman Street, London, SE1 7RB (“the Applicant”)

Cox & Co, David Gibson, Victoria Gibson, 12 Castle Terrace, Edinburgh; 9 Brunstone Mill Road, Edinburgh, EH15 2LY; 9 Brunstone Mill Road, Edinburgh, EH15 2LY (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Applicant)

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

BACKGROUND

1. By Lease dated 13th July 2021 the Respondents let the Property to the Applicant;
2. The start date of the tenancy was 23rd August 2021;
3. A deposit of £1,200 was required. That was paid by the Applicant to the Respondent’s Letting agents on 12th July 2021;
4. The tenancy deposit was not lodged with an approved scheme until 15th October 2021;
5. The tenancy deposit required to be lodged with an approved scheme within 30 working days of the start date of the tenancy. It was, accordingly, lodged 9 working days later than it ought to have been;
6. The tenancy ended on 30th June 2022;
7. The Applicant presented an application to the Tribunal on 2nd September 2022 seeking an order in terms of Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011;

THE CASE MANAGEMENT DISCUSSION

8. The Respondents did not participate personally in the case management discussion but were represented by Mr M Erskine of Cox and Co, letting

agents, Edinburgh. The Applicant did not participate in the case management discussion;

9. Considering the Applicant did not participate and did not move the Tribunal to make any Order nor make any further representations to the Tribunal, the Tribunal dismissed the application for want of insistence;

DECISION

The Tribunal dismissed the 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.

9 December 2022

Legal Member/Chair

Date