



**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/CV/19/0977**

**Re: Property at 228C, Holburn Street, Aberdeen, AB10 6DB (“the Property”)**

**Parties:**

**Mr Mohamed Mohamed, 46E, Ashvale Place, Aberdeen, AB10 6QA (“the Applicant”)**

**Mr Craig Allan, Mrs Donna Allan, 30 Berryhill Circle, Skene, Westhill, AB32 6BE (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.**

**Background**

By application, dated 28 March 2019, the Applicant sought an Order for Payment. The amount sought was £450 and comprised the tenancy deposit that had been paid by the Respondent at the commencement of his tenancy of the Property.

At a Hearing on 20 June 2019, the Tribunal adjourned the proceedings, as certain paperwork sent by the Respondent had not reached the Tribunal and it was also thought likely that the Respondent would be making a separate application to the Tribunal in respect of claims against the Applicant.

The Hearing was reconvened at the Credo Centre, John Street, Aberdeen, on the morning of 3 October 2019. The Applicant was not present, having advised the Tribunal an hour beforehand that he was unable to travel from Glasgow as his wife was not feeling well. The Respondent, Mrs Donna Allan was present.

The Tribunal noted that, immediately following on the Hearing, it was due to hold a Case Management Discussion in relation to an application by the Respondent for an Order for Payment the Applicant and that the matter of the deposit would be taken into account by the Tribunal if it decided to grant that application. Accordingly, the

hearing was adjourned to await the outcome of that application. The Tribunal went on to grant the second application and, as the amount awarded in that application was reduced by the amount of the deposit, the present application became redundant and the Tribunal decided to dismiss it.

### **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.**

George Clark

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**Legal Member/Chair**

3 October 2019

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**Date**