



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

**Chamber Ref: FTS/HPC/CV/19/3561**

**Re: Property at High Creaganterve, Ford, Lochgilphead, Argyle and Bute, PA31  
8RH (“the Property”)**

**Parties:**

**Miss Keri Penford Baker, Mr Anthony Lister, 4 Nursery Cottages, Minard,  
Inveraray, Argyle and Bute, PA32 8YG (“the Applicants”)**

**Ms Shaaron Dahl, Casa De La Sierra, Carretera De Iznajar, Ventorros de  
Balmera 14970, Cordoba, Espana (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

**Decision (in absence of the Respondent)**

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

**BACKGROUND**

1. By lease which was undated, but in which the commencement date of the tenancy was 28 January 2018, the Applicants rented the Property from the Respondent. While the lease was undated, the tenancy was a short assured tenancy and the notice in terms of s32 of the Housing (Scotland) Act 1988 – commonly referred to as a Form AT5 – was dated 5 January 2018;
2. A tenancy deposit of £600.00 was required and was paid to the Respondent by the Applicants;
3. The deposit funds were never lodged in an approved tenancy deposit scheme in accordance with the Tenancy Deposit Schemes (Scotland) Regulations 2011;
4. The tenancy ended on 12 July 2019;

5. The Respondent thereafter returned £300.00 of the deposit to the Applicants. The balance of £300.00 has never been returned nor has any explanation been provided as to why it was not returned;

## **THE CASE MANAGEMENT DISCUSSION**

6. Given the geographical location of the Parties the Case Management Discussion was conducted by conference call. The Applicant Keri Penfold Baker participated and represented Mr Anthony Lister also. The Respondent did not participate. The Tribunal was in receipt of a certificate of tracked air mail post relating to the intimation of the proceedings on the Respondent. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;

## **FINDINGS IN FACT**

7. The Tribunal made the following findings in fact:-
  - i. By lease which was undated, but in which the commencement date of the tenancy was 28 January 2018, the Applicants rented the Property from the Respondent. While the lease was undated, the tenancy was a short assured tenancy and the notice in terms of s32 of the Housing (Scotland) Act 1988 – commonly referred to as a Form AT5 – was dated 5 January 2018;
  - ii. A tenancy deposit of £600.00 was required and was paid to the Respondent by the Applicants;
  - iii. The deposit funds were never lodged in an approved tenancy deposit scheme in accordance with the Tenancy Deposit Schemes (Scotland) Regulations 2011;
  - iv. The tenancy ended on 12 July 2019;
  - v. The Respondent thereafter returned £300.00 of the deposit to the Applicants. The balance of £300.00 has never been returned nor has any explanation been provided as to why it was not returned;
  - vi. The sum of £300.00, being the balance of the deposit retained by the Respondent, is due, resting and owing to the Applicants;

## **DECISION**

The Tribunal granted an order against the Respondent for payment of the sum of THREE HUNDRED POUNDS (£300.00) STERLING to the Applicants

## **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.

V. Crawford

17 January 2020

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Legal Member/Chair

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Date