

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 Regulation 9 of the Tenancy Deposit Schemes (Scotland) 2011

Chamber Ref: FTS/HPC/PR/19/1140

Re: Property at 4e, Forrester Park Grove, Edinburgh, EH12 9AJ (“the Property”)

Parties:

Miss Mathilde Coudray, Mr Pierrick Lecharpentier, 112 Rue Augusti Renoir, Mayenne, 53100, France (“the Applicant”)

Mr Kevin Mills, 4e, Forrester Park Grove, Edinburgh, EH12 9AJ (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicants of £2000 be made.

Background

By application dated 4 April 2019 the applicant applied to the First-tier Tribunal under Rule 103 of the Tribunal Rules. The application was accompanied by a copy Tenancy Agreement dated 18 January 2017, copy bank details, copy Council Tax Account Summary and several emails between the parties.

No response had been received from the Respondent

Case Management Discussion

The case management discussion was dealt with by conference call the applicants being in France. Mr Lecharpentier represented both Applicants in the conference call. No-one appeared for the respondent and he was not a participant in the conference call.

The proceedings had been served on the respondent by way of Sheriff Officer. No response had been received from the respondent.

The Applicants confirmed that the Respondent had ceased all email communication with them. No part of the deposit was returned. The deposit was unprotected throughout the whole 2 year period of the lease.

Findings in Fact

1. The tenancy between the parties was constituted by Tenancy Agreement dated 18 January 2017.
- 2 A rental deposit was paid by the applicants on 18 January 2017 in the sum of £750.
- 3 The tenancy deposit was not protected and was not placed into any scheme throughout the whole tenancy.
- 4.The respondent has received all relevant paperwork which was in order.
- 5.The tenancy ended on 18 January 2019.
- 6.The deposit remains unpaid.
- 7.The respondent was ordered to pay the sum of £2000.00

Reasons for Decision.

The Applicants confirmed that they had paid all rent and the deposit timeously. The Respondent had wanted to recover the property. They had returned to France. All email communication between the Respondent and the Applicants had ceased as the Respondent had not answered communications. The deposit was unprotected throughout the whole of the 2 year lease. No part of the deposit had been returned to the Applicants despite their efforts.

The Respondent had made no representations nor had he participated in the Tribunal.

The Deposit was £750. The Tribunal ordered that the Respondent make payment in the sum of £2000.

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.

Mark Thorley
Legal Member / Chair

14 June 2019
Date