

Housing and Property Chamber
First-tier Tribunal for Scotland



**Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") in terms of:
Section 43 of The Tribunals (Scotland) Act 2014 and The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations") Schedule 1 Rule 39, in relation to:
Application for Review of a Decision of the First-tier Tribunal for Scotland**

Chamber Ref: FTS/HPC/PR/19/1840

Re: Property at 0/1, 15 Havelock Street, Glasgow, G11 5JB ("the Property")

Parties:

Mr Jamie Young and Mrs Jennifer Young, 0/1, 324 Crow Road, Glasgow, G11 7HS ("the Applicant")

Ms Lucy Roy, 69 Hughenden Lane, Glasgow, G12 9XN ("the Respondent")

Tribunal Members:

George Clark (Legal Member) and Frances Wood (Ordinary Member)

Decision

The Tribunal refuses the homeowner's application for Review of the Decision of the Tribunal of 2 October 2019.

Background

On 2 October 2019, the Tribunal made an Order for Payment by the Respondent to the Applicant of the sum of £1,790, in respect of the Respondent's failure to lodge a tenancy deposit in an approved tenancy deposit scheme. The amount of the Order was two times the amount of the deposit. The Respondent applied to the Tribunal for a Review of its Decision.

The grounds for Review were that the award was excessive, having regard to the agreed facts of the case, that the Tribunal had not given full weight to the mitigating factors set out by the Respondent and agreed by the Parties and that the Tribunal's reasoning had been contradictory in that there had been no reluctance on the part of the Respondent to acknowledge her responsibilities and her insistence on blaming her letting agents was entirely justified, as all Parties had agreed that they had been ignored by the letting agents when attempting to resolve the issue.

Reasons for Decision

The Tribunal considered carefully the grounds for the application for Review. The Tribunal was satisfied that, in arriving at its original Decision, it had taken fully into account all written and oral evidence presented to it, including all evidence presented as mitigating factors. The Tribunal had, in the reasons given for its Decision, reviewed a significant number of previous Decisions of the Tribunal and was satisfied that the sum awarded was fair, just and proportionate and was not excessive. The Respondent had not provided any additional documentation or information which would merit a review. Accordingly, the Tribunal decided that the application was wholly without merit and refused the application for Review.

Right of appeal

A decision of the First-tier Tribunal relating to an application for Review of a Decision it has made cannot be appealed or reviewed. Where an application for Review is refused by the First-tier Tribunal, the party can seek permission to appeal the original decision from the Upper Tribunal. The party must seek permission to appeal to the Upper Tribunal within 30 days of the date the First-tier Tribunal's decision on the application for Review was sent to them.

G. Clark

Legal Member/Chair

13 November 2019