



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 103 of the the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”).

Chamber Ref: FTS/HPC/PR/18/2875

Re: Property at 0/1, 1477 Dumbarton Road, Scotstoun, Glasgow, G14 9XL (“the Property”)

Parties:

Miss Amy Le Grange and Mr Dean Dewhurst, 3/3, 132 Medwyn Street, Glasgow, G14 9QL (“the Applicants”)

Mr Jamie Harvey, 0/1, 1477 Dumbarton Road, Scotstoun, Glasgow, G14 0XA (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of SIX HUNDRED AND FIFTY POUNDS STERLING (£650.00) be granted

Background

1. By application dated 22 October 2018 (“the Application”), the first-named Applicant on behalf of both Applicants, made an application in terms of Rule 103 of the Rules to the Tribunal for an order for in terms of Regulation 9 of The Tenancy Deposit Schemes (Scotland) Regulations 2011 (“the Tenancy Deposit Regulations”)
2. The Application comprised a copy of a short assured tenancy agreement between the Parties in terms of the Housing (Scotland) Act 1988 evidencing that a tenancy began on or around 9 May 2016 and a copy email from Safedeposits Scotland dated 18 October 2018 stating that a deposit had been registered but not paid on 2 October 2018.

3. On 7 January 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion ("CMD") was fixed for 14 February 2019 but postponed to 29 March 2019 and thereafter postponed again to 17 April 2019 at 11.30 at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT by telephone conference.

Case Management Discussion

4. The CMD took place by telephone conference on 17 April 2019 at 11.30. The first –named Applicant and the Respondent both took part.
5. I explained to the parties the basis of the Application and the purpose of the CMD with reference to the relevant Rules and the Tenancy Deposit Regulations.
6. In particular, I explained to the parties that the obligation on a landlord to lodge a tenancy deposit and provide the tenants without certain information in terms of Regulation 3 of Tenancy Deposit Regulations is absolute. I further explained that if an application is made in terms of Regulation 9 of the Tenancy Deposit Regulations and Rule 103 of the Rules, and, that if the terms of Regulation 10 of the Tenancy Deposit Regulations are satisfied, the Tribunal must make an order and has no discretion not to do so.
7. I asked the parties if a tenancy deposit had been made by the Applicants to the Respondent and both agreed it had. I asked the Respondent if that tenancy deposit had been lodged by him in an approved scheme and if the information prescribed by Regulation 42 of the Tenancy Deposit Regulations had been provided by him to the Applicants and he agreed that they had not.
8. I advised the parties that in terms of Regulation 10 of the Tenancy Deposit Regulations, an order of up to three times the amount of the deposit, being £1,950.00 in this case, could be made by me and asked the first –named Applicant how much she sought. The first –named Applicant fairly advised me that the Applicants sought only the return of the deposit of £650.00. The Respondent agreed that this was a fair figure and agreed to pay this. I asked if a bank transfer could be made today but the Respondent advised that he would need to wait until he received his salary in 10 days' time.

Findings in Fact

9. From the Application and the CMD, the parties having agreed that a tenancy deposit had been made by the Applicants to the Respondent and the Respondent having accepted that he had breached Regulation 3 of Tenancy Deposit Regulations, I found that that the terms of Regulation 10 of the Tenancy Deposit Regulations are satisfied

Decision and Reasons for Decision

10. The terms of Regulation 10 of the Tenancy Deposit Regulations being so satisfied and having regard to Rule 17(4) of the Rules which states that a First–tier Tribunal may do anything at a case management discussion which it may do

at a hearing including making a decision, I decided to grant an order without further procedure. The parties having agreed on the sum to be awarded, I granted an order for £650.00.

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.

K Moore

Legal Member/Chair

17 April 2019

Date