



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under (i) Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016 & (ii) the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: Reference number: FTS/HPC/CV/22/2772

FTS/HPC/PR/22/2769

Property: 109 Broomhouse Crescent, Edinburgh EH11 3RG (“The property”)

Parties:

Ms Aishwarya Lakshmanan, residing at Flat 9/6 Tinto Place, Edinburgh (“the Applicant”)

And

Ms Supaporn Panarat, residing at 31 Broomhouse Street South, Edinburgh, EH11 3TH (“the Respondent”)

Tribunal Member:

Paul Doyle (Legal Member)

Elaine Munro (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber), in the absence of the applicant, dismisses the application.

Background

1. By applications (made on forms F & G) dated 8 August 2022, the applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) for two payment orders against the respondent. The applicant says that when she entered into a lease for the property a tenancy deposit was paid and that tenancy deposit was not placed in a regulated tenancy deposit scheme. The appellant seeks refund of the tenancy deposit and a payment order.

2. By interlocutor dated 13 September 2022, both applications were referred to this tribunal. On 31 October 2022 the First-tier Tribunal for Scotland (Housing and Property Chamber) served notice of referral on both parties, directing the parties to make any further written representations.

3. The respondent lodged detailed written representations on 18 November 2022. The applicant submitted further representations on 29 November 2022

4. A Case Management Discussion took place before the Tribunal by telephone conference at 10.00am on 7 December 2022. The Applicant was present and unrepresented. The respondent was presented and accompanied by Mr W Benson.

5. The principal area of dispute identified at the case management discussion was whether or not a tenancy deposit was paid by the applicant to the respondent. An evidential hearing was fixed in each application.

The Evidential Hearing

6. The evidential hearing took place before the Tribunal by telephone conference at 10.00am on 5 June 2023. The Applicant was neither present nor represented. The respondent was present and accompanied by Mr W Benson.

7. The case file reveals that the applicant was given timeous notification of the date, method of joining, and manner, of the evidential hearing. By 10.15am the applicant had still not joined the hearing.

8. Neither application was moved by the applicant. Neither oral nor additional documentary evidence was presented by the applicant. The area of dispute remains unresolved.

9. In the absence of evidence from the applicant driving at the central area of dispute, we dismiss both applications.

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.

Paul Doyle

Legal Member

5 June 2023