

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 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/20/0004

Re: Property at 29/2 Rannoch Place, Edinburgh, EH4 7HH ("the Property")

Parties:

Mr Pablo Cabrera Garcia, 29/2 Rannoch Place, Edinburgh, EH4 7HH ("the Applicant")

Mrs Pauline Gillies, 132 St John's Road, Edinburgh, EH12 8AX ("the Respondent")

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Applicant and Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application is dismissed.

- **Background**
 1. An application was submitted under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules") seeking an Order for Payment under section 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 where a landlord has failed to place a deposit into a tenancy deposit scheme within the statutory timescales contained therein.
- **The Case Management Discussion**
 2. A Case Management Discussion ("CMD") took place on 4 March 2020. There was no appearance by, or on behalf of, either of the parties. The Applicant had been notified of the date of the CMD by letter dated 29 January 2020. The Respondent had been served with a copy of the papers together with

notification of the date of the CMD by Sheriff Officer on 30 January 2020. Thereafter, Sam Paulo of Gilson Gray wrote to the Tribunal on behalf of the Respondent by letter of 19 February 2020 setting out the Respondent's defence to the application. The Tribunal was accordingly satisfied that both parties had received sufficient intimation of the date of the CMD.

3. Due to the failure by either party to appear or be represented, the Tribunal dismissed the application in terms of Rule 27(2)(b) of the Rules, in that the applicant has failed to cooperate with the First-tier Tribunal to such an extent that the First-tier Tribunal cannot deal with the proceedings justly or fairly.
- Decision
4. The application is dismissed under Rule 27(2)(b) of the Rules.

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.

Fiona Watson
Legal Member/Chair

Date

4/3/2020.