

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 Regulation 9 of the Tenancy Deposit
Schemes (Scotland) Regulations 2011**

Chamber Ref: FTS/HPC/PR/18/1018

Re: Property at 71 Yarrow Park, East Kilbride, G74 2HP ("the Property")

Parties:

**Miss Alison Cruikshank, Mr Alan Dick, 112 Alison Lea, East Kilbride, G74 3HP;
112 Alison Lea, East Kilbride, G74 3HP ("the Applicant")**

**Mr Derek Strickland, Mrs Helen Strickland, 110 Winward Road, Westwood, East
Kilbride, G75 8NW; 110 Windward Rd, Westwood, East Kilbride, G75 8NW ("the
Respondent")**

Tribunal Members:

Colin Dunipace (Legal Member)

Decision in absence of the Respondents

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that an Order should be granted in terms of Rule 103 of
The First-tier Tribunal for Scotland Housing and Property Chamber
(Procedure) Regulations 2017 as amended.**

- This was an application for compensation in terms of Rule 103 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended. The Applicants, who were both in attendance, sought a payment of compensation in respect of the alleged failure of the Respondents to pay the deposit of £700 in terms of the tenancy agreement between the parties. The Application had previously called on 31 July 2018, at which time the Application was continued until today's date to enable the Respondents to participate in the proceedings. Due notice was provided to the Respondents of the foregoing and the matter called again today in the presence of the Applicants. The Respondents were not in attendance and were not represented. The Respondents' previous Letting Agents had written

to the Tribunal on 30 July 2018 indicating that they would not be representing the Respondents in these proceedings.

- The Case Management Discussion proceeded in the absence of the Respondents, and the Applicants confirmed that they had provided their deposit in the sum of £700 to the Respondents' Letting Agents on 28 July 2018. Following the termination of the lease in April 2018. The Applicants sought the return of their deposit, at which time they ascertained that this had not been lodged with My Deposits Scotland until 17 April 2018. For the avoidance of doubt this deposit was returned to the Applicants on 15 May 2018.
- The Applicants accordingly made payment of the sum of £700 in relation to their deposit in respect of the subjects, and that this deposit was not paid to My Deposits Scotland until 15 May 2018.
- This Case Management Discussion was specifically continued to enable the respondents to participate in these proceedings, and to enable them to provide an explanation as to why this deposit was not properly lodged with My Deposits Scotland timeously. The Respondents have chosen not to engage in this process. Having examined the appropriate paperwork I am entirely satisfied that the factual position has been established by the Applicants.
- Having regard to the foregoing and the fact that the Respondents have not provided any reason as to why this deposit was not timeously lodged I have determined that the Respondents should pay to the Applicants the sum of £1400 Sterling in terms of section 10 (a) of the foregoing Regulations.

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.

Colin Dunipace

Legal Member/Chair

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Date

15/8/18