



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Regulation 10 of the Tenancy Deposit  
Schemes (Scotland) Regulations 2011**

**Chamber Ref: FTS/HPC/PR/23/0428**

**Re: 2/1 Abbeydale Way, Rutherglen, Glasgow G73 4HW (“Property”)**

**Parties:**

**Dr Syamapriya Syammohan, 2/2 319 Sauchiehall Street, Glasgow G2 3HW  
 (“Applicant”)**

**Siddharth Jose, 2/2 319 Sauchiehall Street, Glasgow G2 3HW (“Applicant’s  
Representative”)**

**Olubunmi Olugunwa, whereabouts unknown (“Respondent”)**

**Tribunal Members:  
Joan Devine (Legal Member)**

**Decision :**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the Respondent should pay to the Applicant the sum  
of £300.**

**Background**

1. On 17 March 2023 the Applicant lodged an application in Form G ("Application") dated 7 March 2023 under Rule 103 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("Rules") stating that the Respondent had failed to timeously lodge a tenancy deposit in an appropriate scheme in breach of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("2011 Regulations"). The documents produced to the Tribunal by the Applicant were a tenancy agreement dated 5 January 2022; a letter from Safe Deposits Scotland to the Applicant dated 1 July 2022 regarding the Applicant's tenancy of the Property which stated that the deposit was protected from 30 June 2022; an email from the Respondent's letting agent to the Applicant dated 30 January 2023 which indicated that the tenancy came to an end on 24 February 2023 and a screenshot of a bank payment of £610 dated 4 January 2022 with reference "deposit from Syama". The Application was sent

to the Respondent by email dated 1 August 2023 and was advertised on the Tribunal website between 1 and 28 August 2023.

### **Case Management Discussion ("CMD")**

2. A CMD took place on 28 August 2023 by conference call. The Applicant's Representative was in attendance. There was no appearance by the Respondent.
3. Mr Jose told the Tribunal that the tenancy commenced on 9 January 2022 and ended on 24 February 2023. He said that the deposit was paid prior to the commencement of the tenancy. The Tribunal noted that the deposit was not protected until 20 June 2022, some 95 days outwith the timescales in the 2011 Regulations. Mr Jose told the Tribunal that he dealt with the Respondent's son. He believed that the Respondent may be a nurse. He said that the letting agency, Garber Property Limited was a family business involving the Respondent and her son. He said that half the deposit was returned to the Applicant once they had gone through the Safe Deposits Scotland mediation procedure.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 5 January 2022 which commenced on 9 January 2022.
2. The Applicant paid to the Respondent a deposit of £580 prior to the commencement of the tenancy.
3. The deposit was protected by Safe Deposits Scotland from 20 June 2022.
4. The deposit was not paid to the administrator of an approved scheme in compliance with the timescales set out in Regulation 3 of the 2011 Regulations.
5. The deposit was paid into an approved scheme some 95 working days outwith the timescales stated in the 2011 Regulations.

### **Reasons for the Decision**

4. Regulation 10 of the 2011 Regulations states that if satisfied that the landlord did not comply with the duty in Regulation 3 to pay a deposit to the scheme administrator of an approved scheme within 30 working days of the beginning of the tenancy, the Tribunal must order the landlord to pay the tenant an amount not exceeding three times the amount of the tenancy deposit. The Tribunal was

satisfied that the Respondent did not lodge the deposit in accordance with the timescales required by the 2011 Regulations. The deposit was lodged some 95 working days late.

5. The amount to be awarded is a matter for the discretion of the Tribunal having regard to the factual matrix of the case before it. In the absence of the Respondent, there was little information as to why the deposit was lodged late. The Tribunal considered the limited information presented to it and found it to be of significance that the deposit was protected albeit late. The Tribunal determined that a sanction of £300 be fair proportionate and just.

### **Decision**

The Tribunal granted an Order for payment of £300 in terms of Regulation 10(a) of the 2011 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.**

**Joan Devine  
Legal Member**

**Date: 28 August 2023**

**Joan Devine**