



**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 (Regulations)**

Chamber Ref: FTS/HPC/PR/19/3551

**Re: Property at 115 Winifred Crescent, Kirkcaldy, Fife, KY2 5SZ (“the
Property”)**

Parties:

**Mr Artur Garbowski, Mrs Katarzyna Garbowska, 25 Lomond Gardens,
Kirkcaldy, Fife, KY2 6AE (“the Applicant”)**

**Mr Qaiser Raza Raja Begum, 241 Tideslea Path, London, SE28 0NH (“the
Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application be refused.**

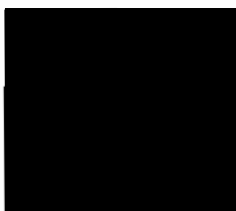
Background

This is an application under Regulation 9 of the Regulations and Rule 103 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* in respect of an alleged failure to protect a tenancy deposit in respect of the Property.

The Tribunal had regard to the following documents:

1. Application received 28 November 2019;
2. Tenancy Agreement commencing 4 May 2016;
3. Deposit receipt dated 7 May 2016;
4. Letter from Applicant to Respondent dated 20 May 2019;
5. Email from Respondent dated 8 January 2020.

Case Management Discussion (CMD)



The case called for a CMD on 21 January 2020. An interpreter participated for the Applicant. The Respondent did not participate.

The Tribunal was satisfied that the Respondent had notice of the CMD by Sheriff Officer's on 23 December 2019. He was aware that the CMD could proceed in his absence and a Decision could be made if the Tribunal was satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal made the following findings in fact:

1. The Parties entered in to an assured tenancy commencing 4 May 2016;
2. The Applicant paid the Respondent a deposit of £465 on 7 May 2016;
3. Following termination of the tenancy on 10 May 2019 the Respondent failed to repay the deposit;
4. During the entirety of the tenancy the deposit was unprotected;
5. The Applicant's application was presented on 4 November 2019.

The Tribunal considered the terms of Regulation 9 (2). Applications must be made no later than 3 months after the tenancy has ended. Clearly the application has been made too late.

The Tribunal accordingly refuse the application.

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.



Legal Member/Chair

21 January 2020

Date