



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

**Chamber Ref: FTS/HPC/PR/24/3123**

**Re: Property at FLAT 4/43, 220 WALLACE STREET, GLASGOW, G5 8AJ (“the Property”)**

**Parties:**

**Mr Cheuk Ming Wong, Mr Yi Hsiu Tsai, FLAT 14C, KAR ON HOUSE, 12 CHEUNG HONG STREET, FORTRESS HILL, Hong Kong; Room 425, Hyndland House, 10 Keith Street, Glasgow, G11 6QQ (“the Applicant”)**

**Jaspreet Kaur, 120 HAGGS ROAD, Glasgow, G41 4AT (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the respondent in the sum of One Thousand Three Hundred and Fifty Pounds (£1,350)**

**Introduction**

This is an application under Rule 103 and Regulation 9 of the Tenancy Deposit Schemes (Scotland) Regulations 2011.

Service of the application and intimation of the Case Management Discussion (CMD) was effected upon the respondents by Sheriff Officers on 17 October 2024.

The CMD took place by teleconference on 22 November 2024 at 11.30 am. The applicants both joined the hearing and represented their own interests. The respondent was represented by her husband Mr Amanpreet Barhaya.

## Findings and Reasons

The property is Flat 4/43, 220 Wallace Street, Glasgow G5 8AJ. The applicants are Mr Cheuk Ming Wong and Mr Yi Hsiu Tsai who were the former tenants. The respondent is Ms Jaspreet Kaur who is the former landlord.

The parties entered into a private residential tenancy in respect of the property which commenced on 14 September 2023. The rent stipulated was £1,350 per calendar month. The applicants paid £1,350 by way of deposit. The applicants vacated the property on 7 April 2024 and the tenancy came to an end then.

It was accepted on behalf of the respondent that she did not adhere to the regulations and failed in her duties to pay the deposit into an approved scheme as required. It was stated that this was an oversight due to illness. It was further explained on behalf of the Respondent that she has always adhered to the Regulations in the past.

Approximately two weeks prior to the hearing the Respondent took steps, albeit late, to protect the deposit. The sum of £1,350 is evidenced to have been paid to Safe Deposits Scotland. The deposit is now protected (DAN 924257). The return of the deposit is the subject of dispute which is not a matter before the tribunal.

The tribunal was satisfied that the respondent has not complied with the requirements of the 2011 Regulations and in particular did not lodge the deposit paid into an approved scheme timeously. The duties of landlord are contained within Regulation 3. This requires the landlord who has received the tenancy deposit in connection with the relevant tenancy to pay the deposit to a relevant scheme administrator from an approved scheme within 30 working days of the beginning of the tenancy. The respondent failed to do this.

Regulation 10 requires the Tribunal to make an Order against the respondents to pay to the applicant an amount not exceeding three times the amount of the tenancy deposit.

The Tribunal considered all relevant circumstances prior to making any Order under Regulation 10. The Tribunal is satisfied having regard to the entirety of the documentary and oral evidence that the respondent failed to act diligently and professionally and failed to account to the applicants in a proper manner. The applicants have been disadvantaged by the respondent's failure to pay the deposit into a scheme as required. The late lodging of the deposit is a factor which reduces the gravity of the respondent's failure.

In all the circumstances, the Tribunal ordered that the respondents pay to the applicants the sum of one times the amount of the tenancy deposit ie a total of £1,350. This is fair and proportionate in all of the circumstances. The public require to have confidence that residential landlords are operating fairly and that their deposits are secured in accordance with the law in force in Scotland.

## 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.

Richard Mill

22 November 2024

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Legal Member/Chair

\_\_\_\_\_  
Date