



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/PR/24/3834**

**Re: Property at 1/2 90 Barrington Drive, Glasgow, G4 9ET (“the Property”)**

**Parties:**

**Ms Rita Rogers, 2/2 15 Cresswell Street, Glasgow, G12 8BY (“the Applicant”)**

**Ms Parveen Seema, Mr Ghulam Sarwar Seema, 117 Cortmalaw Crescent,  
Glasgow, G33 1TD (“the Respondents”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

**Decision (in absence of the Respondent)**

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

**BACKGROUND**

1. By lease dated 20<sup>th</sup> May 2023 the Applicant rented the Property. The Landlord detailed in the lease is Mr Ghulam Sarwar Seema.
2. A tenancy deposit in the sum of £600.00 was paid by the Applicant to the Respondent.
3. The tenancy deposit was not lodged with an approved tenancy deposit scheme.
4. The tenancy ended on 30<sup>th</sup> June 2024.

5. The Applicant presented an application to the Tribunal seeking to have a penalty be imposed upon the landlord due to his failure to comply with the Tenancy Deposit Scheme (Scotland) Regulations 2011 ("the TDS Regs").
6. The application was originally directed against a Mrs Parveen Seema and Mr Imran Sarwar. The Applicant intimated to the Tribunal that she believed Parveen Seema to be the registered landlord while Mr Imran Sarwar was the person who managed the Property. The Applicant, however, subsequently amended her application to include Ghulam Sarwar Seema as a Respondent.

## **THE CASE MANAGEMENT DISCUSSION**

7. A case management discussion was assigned to be held by teleconference at 10am on 21<sup>st</sup> March 2025. The Applicant participated personally. The Respondents did not participate. The Tribunal was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondents. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the respondents had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondents in accordance with Rule 29 of the FTT regs.
8. The Applicant had previously lodged documentation with the Tribunal confirming payment of the deposit and confirming it had not been lodged with an approved tenancy deposit scheme.
9. The Applicant confirmed that the deposit funds were returned to her, in full, approximately two months after the termination of the tenancy.
10. The Applicant moved the Tribunal to impose a penalty upon the Respondents in an amount equivalent to three times the tenancy deposit on the basis the tenancy deposit was not protected and, as she understood it, the Respondent is an experienced landlord and may have behaved in this fashion before.
11. It was noted, and accepted by the Applicant, that the only person named as landlord within the lease was Mr Ghulam Sarwar Seema and he is the person responsible for compliance with the TDS Regs. The Tribunal advised it intended to dismiss the case insofar as it related to anyone other than Mr Ghulam Sarwar Seema.

## **FINDINGS IN FACT**

12. The Tribunal found the following facts to be established:-
  - a) By lease dated 20<sup>th</sup> May 2023 the Applicant rented the Property.
  - b) The Landlord detailed is Mr Ghulam Sarwar Seema.

- c) A tenancy deposit in the sum of £600.00 was paid by the Applicant to the Respondent.
- d) The tenancy deposit was not lodged with an approved tenancy deposit scheme.
- e) The tenancy ended on 30<sup>th</sup> June 2024.
- f) The tenancy deposit was repaid, in full, to the Applicant.

## **REASONS FOR DECISION**

13. On the information available to the Tribunal the TDS Regs had clearly been breached.
14. In determining the appropriate penalty to impose, the Tribunal considered the following:-
- The tenancy deposit was not lodged with an approved scheme at any point in time.
  - The tenancy deposit was unprotected throughout the entirety of the tenancy.
  - The tenancy deposit was returned, in full, to the Applicant within a reasonable period of time following the termination of the tenancy.
  - While the Applicant suggested that the landlord was an experienced landlord and may have acted in a similar fashion before, the Tribunal had no information before it to support any such suggestion.
15. Having regard to the circumstances, the TDS Regs had, clearly, been breached. It is not the case, however, that the tenancy deposit was thereafter retained by the landlord. It is not the case that the tenancy deposit was only returned in part, with the landlord claiming a right to retain some of it. While the tenancy deposit was not protected throughout the tenancy, it was repaid, in full, following the termination of the tenancy.
16. Having regard to those factors, the Tribunal considered that the breach by the landlord in this case was in what might be referred to as the middle range of such cases. That being so, the Tribunal imposed a penalty upon the landlord equivalent to one and a half times the tenancy deposit, the total penalty imposed, therefor, being £900.00.
17. Insofar as the action was directed against Parveen Seema, the Tribunal dismissed it. Parveen Seema is not detailed as a landlord within the tenancy agreement and, in the circumstances, there is no basis for an order being granted against her under the TDS Regs.

## **DECISION**

The Tribunal granted an order against the Respondent for payment of the sum of £900.00 Sterling to the Applicant.

### **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.**

Virgil Crawford

21 March 2025

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Legal Member/Chair

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Date