



**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/24/5261

Re: Property at 6 Nether Craigwell, Edinburgh, EH8 8DR (“the Property”)

Parties:

Mr Reda Khoumani, 9 Burnbrae, Edinburgh, EH12 8UB (“the Applicant”)

**Ms Claire Harrington, Southbank House, Harpers Brae, Penicuik, EH26 8PB
 (“the Respondent”)**

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for payment of a sanction in relation to an alleged failure on the part of the Respondent to pay a tenancy deposit paid to her by the Applicant into an approved scheme and carry out the other duties incumbent on her in terms of reg.3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (‘the Regulations’). It called for a case management discussion (‘CMD’) at 11:30am on 9 May 2025, by teleconference. The Applicant was on the line in-person. The Respondent was not on the line or represented. The commencement of the CMD was delayed by 10 minutes, in case there was some technical issue; but there remained no contact from her.

The application, with notice of the CMD, was served on the Respondent on 5 March 2025, by sheriff officers. The Tribunal was therefore satisfied that the Respondent had chosen not to oppose the application.

- Findings in Fact

1. The Applicant rented the Property from the Respondent in terms of private residential tenancy with a start date of 11 April 2024.
2. In terms of that agreement, a deposit of £1,950 was paid to the Respondent by the Applicant on 27 April 2024.
3. The Respondent has not paid the deposit into an approved scheme or provided any of the information required under reg.42 of the Regulations.
4. The Respondent has not engaged with the Applicant at any point in relation to this matter, even following the raising of this application.
5. The Applicant moved out of the Property on 28 August 2024, bringing the tenancy to an end.
6. This application was made on 18 November 2024.
7. The Respondent has not returned the deposit.

- Reasons for Decision

8. The Respondent has shown a worrying disregard for the duties incumbent upon her as a landlord. This is evident from her complete failure to comply with the terms of reg.3 of the Regulations, her failure to engage with the Applicant in addressing the matter, and her disregard for the Tribunal process, which extended even to failing to appear at the CMD. The Applicant has been significantly prejudiced by the Respondent's failure, in that he does not now

have resort to any dispute resolution procedure in regard to the return of his deposit, the tenancy having ended.

9. In these circumstances, the Tribunal considered that only a sanction at the top end of the scale would be sufficient to reflect the gravity of the Respondent's failure. It therefore granted an order for payment to the Applicant of three times the deposit, or £5,850.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of FIVE THOUSAND, EIGHT HUNDRED AND FIFTY POUNDS STERLING (£5,850).

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.

Nairn Young

Legal Member/Chair

9 May 2025

Date