

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/PR/25/1187

Re: Property at 57A Springbank Road, Paisley, PA3 2NH (“the Property”)

Parties:

Miss Ellie Mottram, 22J Renfield Street, Renfrew, PA4 8RN (“the Applicant”)

V1 Properties Ltd, 4 1/1 4 Cardon Square, Renfrew, PA4 8AP (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment to the applicant in the sum of Eight Hundred and Sixty Pounds (£860)

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 respondent by Sheriff Officers on 29 May 2025. The CMD took place by teleconference on 22 July 2025 at 10.00 am. The applicant was represented by Mrs Stella Cojocarui of Renfrewshire Citizens Advice Bureau. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 57A Springbank Road, Paisley PA3 2NH. The applicant is Miss Ellie Mottram who is the former tenant. The respondent is V1 Properties Ltd who is the former landlord.

The parties entered into a written tenancy agreement. This purported to be a 'assured shorthold tenancy agreement'. Such tenancies do not exist in Scotland. The tenancy arrangement between the parties commenced on 22 January 2024. The lease arrangement between the parties constitutes a private residential tenancy as defined in the 2016 Act. The rent was stipulated at £450 per month. The applicant paid £430 by way of deposit. Her payment of the deposit is evidenced. The tenancy ended on 24 November 2024. The applicant has not received return of this deposit.

The applicant has produced written documentation from the three schemes. Email confirmation from each scheme confirms that the deposit was not paid to them. The tribunal relied upon this credible and reliable documentary evidence. The email from SafeDeposits Scotland is dated 27 January 2025. The email from Letting Protection Scotland is dated 28 January 2025. The email from Mydeposits Scotland is dated 28 January 2025.

The tribunal was satisfied that the landlord has not complied with the requirements of the 2011 Regulations and in particular did not lodge the deposit paid into an approved scheme. The duties of landlords 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 respondent to pay to the applicant an amount not exceeding three times the amount of the tenancy deposit.

The Tribunal considered all relevant circumstances. The respondent is a company operating specifically as a commercial letting agent and yet has demonstrated no experience or knowledge of residential lettings. As well as failing to protect the deposit an attempt was made to enter into an 'assured shorthold' tenancy which does not exist in Scotland. The respondent has breached the legal requirements, failed to act diligently and professionally and failed to account to the applicant in a proper manner. The applicant has been disadvantaged by the respondents failure to pay the deposit into a scheme as required. The respondent has failed to engage in this tribunal process and offered no explanation for their failures.

In all the circumstances, the Tribunal ordered that the respondent pay to the applicant the sum of twice the amount of the tenancy deposit ie a total of £860. 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. Parliament has determined that rogue residential letting operators such as the respondent have to be penalised.

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.

R. Mill

22 July 2025

Legal Member/Chair

Date