



**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/25/0216

**Re: Property at THE COACH HOUSE, KILKERRAN ROAD, CAMPBELTOWN,
PA28 6JL (“the Property”)**

Parties:

**Mrs Kathleen Brown, Mr Peter Brown, 8 Lockhart place, Aviemore, PH22 1SW
 (“the Applicants”)**

**Miss Fiona MacKenzie, Flat 32, Westmorland House, Durdham Park, Bristol,
BS9 6XH (“the Respondent”)**

Tribunal Members:

Nairn Young (Legal Member)

Decision

**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 for an alleged failure on the part of the Respondent to meet her duties under regulation 3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (‘the Regulations’), as the Applicants’ landlord in receipt of their tenancy deposit. It called for a case management discussion at 2pm on 29 July 2025, by teleconference. The parties were all on the call in-person.

- Findings in Fact

While there is disagreement between parties on many matters relating to the tenancy and each other's behaviour, the relevant facts in this case are not in dispute, as follows:

1. The Applicants paid a deposit of £500 to the Respondent in anticipation of their occupying the Property by agreement with her, on 29 July 2024.
2. Neither party sought to have the agreement formally constituted at that time; but it was a private residential tenancy, with a start date of 1 October 2024.
3. The Respondent did not pay the deposit into an approved scheme prior to 31 October 2024, and did not comply with any of the other duties incumbent on her under regulation 3 of the Regulations.
4. The Respondent was unaware of her duties under regulation 3 until the matter was raised in an email from the Applicants dated 9 January 2025.
5. The Respondent paid the deposit into an approved scheme on 10 January 2025.
6. The Applicants moved out of the Property on 15 April 2025, bringing the tenancy to an end.
7. The Respondent no longer lets the Property out as a residential tenancy.

- Reasons for Decision

8. The Respondent admits a complete failure to carry out the steps required of her under regulation 3. She states that this was an oversight and was candid in admitting that the responsibility was hers, as landlord, to ensure the legal requirements relating to constitution of the tenancy etc. were observed,

notwithstanding the informal nature of the way in which the parties generally approached the agreement.

9. The Tribunal considers that a failing of this sort is a serious matter. The Respondent showed a concerning lack of attention to the legal requirements of letting out the Property.
10. In mitigation, however, the Tribunal noted that the Respondent is not a large-scale landlord, and now only lets the Property as a short-term let; and that the impact of her ignorance was thereby limited. Looking at these two points together, the Tribunal considered that a sanction of somewhere around the middle range of the scale was appropriate.
11. The Respondent also took immediate action to secure the deposit when her error was made known to her, to the effect that there was not any practical prejudice to the Applicants, who had access to the scheme on termination of the lease; as they would have had, had the deposit been properly protected from the outset. This further mitigates the seriousness of the Respondent's failure.
12. Taking that into account, the Tribunal considered that a sanction towards the lower end of the range identified was appropriate; and decided that one times the deposit (i.e. £500) was fair.

- Decision

Order made for payment by the Respondent to the Applicants of the sum of FIVE HUNDRED POUNDS STERLING (£500).

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

Nairn Young
Legal Member/Chair

29th July 2025
Date