



**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/25/0570**

**Re: Property at B/0, 11 Buckingham Terrace, Glasgow, G12 8EB ("the Property")**

**Parties:**

**Mrs Margaret Mathieson, 41b Cloughey Road, Portavogie, Newtownards, BT22 1EF  
and Mr Arras Mathieson, 4 Giffnock Park Avenue, Unknown, G46 6AZ ("the  
Applicants")**

**Mrs Andrea MacBeath, Flat 1, 6 Kensington Road, Glasgow, G12 9LF ("the  
Respondent")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member)**

**Decision**

At the Case Management Discussion ("CMD") which took place by telephone conference on 17 September 2025 the First Applicant and the Respondent were in attendance. The Second Applicant was not in attendance.

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

**Background**

The Tribunal noted the following background:-

- The Respondent leased the Property to the Applicants in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 6 June 2022.
- The deposit payable in terms of the PRT was agreed to be £1200 and was paid by the Applicants to the Respondent.
- The Respondent lodged the deposit in a tenancy deposit scheme late and it was only protected from 9 November 2022.
- The Applicants vacated the Property and the PRT ended on 6 February 2025.

This application is made under Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 ("the Regulations").

### **The Case Management Discussion**

In addition to the application the Tribunal had regard to the following oral submissions from the First Applicant:-

- i. The Applicants discovered the deposit had not been timeously lodged into a deposit scheme around 3 to 4 months into the tenancy by email from Safe Deposits Scotland.
- ii. The Applicants have received the deposit back in full from Safe Deposits Scotland.
- iii. Having been a landlord herself previously the Applicant stated that non-compliance with the regulations should not be allowed.

The Respondent made the following oral submissions:-

- i. The Respondent attempted to lodge the deposit timeously on several occasions with Safe Deposits Scotland using her phone and computer but the website stated that there were technical difficulties and to try again later. She did not have any screenshots or other evidence of those messages which she now wishes she had retained.
- ii. Lodging the deposit then slipped her mind until November. This was because the Second Applicant was then settled in the Property and was an oversight on her part.
- iii. The deposit was kept in a bank account and was always safe.
- iv. The Respondent lets out the Property plus one other both of which she inherited from her mother.
- v. She has been a landlord for around 3 years.
- vi. She has never had any previous issues with deposits.
- vii. At no point were the Applicants inconvenienced.
- viii. She is very surprised at the Applicants actions and feels awful at the way she has been treated when she was decent and honest with them.

### **Findings in Fact**

- i. The Respondent leased the Property to the Applicants in terms of the PRT that commenced on 6 June 2022.
- ii. The deposit payable in terms of the PRT was agreed to be £1200 and was paid by the Applicants to the Respondent.
- iii. The Respondent lodged the deposit in a tenancy deposit scheme late and it was only protected from 9 November 2022.
- iv. The Applicants vacated the property on 6 February 2025.
- v. The Applicants have received the deposit back in full.
- vi. The Respondent rents out other two other properties.

### **Reasons for Decision**

The Tribunal takes a landlord's failure to comply with the Regulations seriously.

Regulation 3 of the Regulations states:-

*"(1)A landlord who has received a tenancy deposit in connection with a relevant tenancy must, within 30 working days of the beginning of the tenancy –  
(a) pay the deposit to the scheme administrator of an approved scheme;"*

Regulation 10 of the Regulations states:-

*"If satisfied that the landlord did not comply with any duty in regulation 3 the First-tier Tribunal -*

*(a) must order the landlord to pay the tenant an amount not exceeding three times the amount of the tenancy deposit;"*

The Respondent is the landlord under the PRT.

The PRT is a relevant tenancy under the Regulations.

The deposit was not timeously lodged with the scheme administrator of an approved scheme in terms of Regulation 3. A sanction is therefore payable by the Respondent to the Applicants in terms of Regulation 10.

In determining the amount payable by the Respondent to the Applicants the Tribunal took into account the following:-

- i. That, having regard to the requirement to lodge the deposit in an approved scheme within 30 working days of the beginning of the tenancy, the deposit was effectively unprotected for a period of around 4 months.
- ii. The Respondent is a commercial landlord.
- iii. The Respondent was aware of the Regulations and the obligations arising in terms of them but failed to comply with them.
- iv. It appears she did seek to lodge the deposit timeously on a number of occasions without success due to no fault of her own then forgot to do so until November 2022.
- v. The Respondent eventually lodged the deposit in full with an approved scheme such that it was protected from 9 November 2022.
- vi. The Applicants recovered the deposit in full from Safe Deposits Scotland at the end of the tenancy.

In all the circumstances the Tribunal considered the Respondent's failure to pay the deposit into an approved scheme to be at the lowest end of the scale of sanctions available to it.

The Tribunal therefore determined that, having regard to the foregoing, the Respondent must pay to the Applicants a sum of £150 by way of a penalty for the failure to comply with the Regulations. Such a penalty is proportionate, fair and just in the circumstances.

### **Decision**

The Respondent is ordered to pay to the Applicants a sum of £150.

### **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.**

**Gillian Buchanan**

**17 September 2025**  
**Date**